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Washington, Wednesday, August 30, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 29, Amdt. 4 of Partial Suspension]

PART 1460—FATS AND OILS

USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

The order, as amended (8 F.R. 12255, 16353, 9 F.R. 2816, 6009), partially suspending War Food Order No. 29, is amended to read as follows:

Unless otherwise ordered by the Director of Distribution, the restrictions of (b) of War Food Order No. 29, as amended (8 F.R. 15551, 9 F.R. 651, 3252, 4319), shall not apply to the delivery of crude oil by any person to a refiner, or to the acceptance of delivery of crude oil by a refiner, where such delivery or acceptance of delivery occurs during the period from October 1, 1943, to December 31, 1944, both inclusive.

This amendment shall become effective at 12:01 a. m., e. w. t., August 30th 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 26th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-12959; Filed, August 28, 1944; 12:23 p. m.]

TITLE 29—LABOR

Chapter IX—War Food Administration (Agricultural Labor)

[Specific Wage Ceiling Reg. 24]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING APPLES IN CERTAIN WASHINGTON COUNTIES

§ 1111.7 *Wages of workers engaged in picking apples in the Counties of*

Chelan, Douglas, and Okanogan, Washington. Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831), as amended on July 8, 1944 (9 F.R. 7645), entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the Washington WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops, and class of workers.* Persons engaged in picking apples in the Counties of Chelan, Douglas, and Okanogan, State of Washington, are agricultural labor as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139), as amended on December 9, 1943 (8 F.R. 16702) and June 1, 1944 (9 F.R. 6035).

(b) *Definitions.* When used in this specific wage ceiling regulation, the term "picking" means the removal of apples from trees and placing them in boxes furnished by the producer.

(c) *Wage rates; maximum wage rates for picking apples.*

Piece rate, 10 cents per box of 35 pounds.

(d) *Administration.* The Washington WFA Wage Board located at 235 Liberty Building, Yakima, Washington, will have charge of the administration of this order in accordance with the provisions of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as amended July 8, 1944 (9 F.R. 7645).

(e) *Applicability of specific wage ceiling regulations.* This specific wage ceiling regulation No. 24 shall be deemed to be a part of the specific wage ceiling regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), as amended July 8, 1944 (9 F.R. 7645), and the provisions of such regulations shall be applicable to this specific

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
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wage ceiling regulation No. 24 and any violation of this specific wage ceiling regulation No. 24 shall constitute a violation of such specific wage ceiling regulations.

(56 Stat. 765, 50 U.S.C. App. Supp. 961 et seq.; 57 Stat. 63; Pub. Law 34, 78th Cong.; as amended by Public Law 383, 78th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 6011, 7378, 9641, 9 F.R. 831, 7645)

Issued this 28th day of August 1944.

PHILIP BRUTON,
Director of Labor,
War Food Administration.

[F. R. Doc. 44-13085; Filed, August 20, 1944; 11:23 a.m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Order 20]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISCONTINUANCE OF FILING OF CONSUMER DECLARATIONS IN DESIGNATED COUNTIES IN OHIO

The Area Distribution Manager at Cincinnati, Ohio, has recommended that Local Adjustment No. 1, as amended, issued pursuant to Solid Fuels Administration for War Regulation No. 21 be revoked.

After considering this recommendation and retail dealer distribution conditions in the counties of Butler, Warren, Hamilton, Clermont, Brown and Adams in the State of Ohio, I have decided that the filing of consumer declarations with retail dealers in those counties is no longer necessary and should be discontinued. Accordingly, pursuant to Executive Order No. 9332, *It is hereby ordered:*

Local Adjustment No. 1, as amended, issued pursuant to Solid Fuels Administration for War Regulation No. 21 is hereby revoked, *Provided, however,* That civil or criminal liabilities resulting from violation of Local Adjustment No. 1, as amended, shall not be affected by this order.

This order shall become effective immediately.

Issued this 28th day of August 1944.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 44-13057; Filed, August 29, 1944;
10:20 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[Gen. License 32A, Amdt.]

PART 131—GENERAL LICENSES UNDER EX- ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL; REMITTANCES FOR LIVING EXPENSES IN LIBERATED AREAS

AUGUST 29, 1944.

Amendment to General License No. 32A under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 32A (9 F.R. 3489) is hereby amended in the following respects:

1. Section 131.32a (a) is amended to read as follows:

§ 131.32a *General License No. 32A—* (a) *Certain remittances to specified liberated areas for living expenses authorized.* A general license is hereby granted authorizing remittances by any individual through any domestic bank to any individual within the liberated areas specified in paragraph (h) of this general license, and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

(1) Such remittances are made only for the necessary living expenses of the payee and his household and do not exceed \$500 in any one calendar month to any one household;

(2) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held

by, a citizen of the United States who is the payee or a member of his household; and

(3) Such remittances are effected only by the payment of the dollar amount of the remittance to a domestic bank for credit:

(i) When the remittance is to any individual within the area specified in paragraph (h) (1) hereof, to a post-liberation blocked account in the name of "Bank of Sicily, Account AF".

(ii) When the remittance is to any individual within the area specified in paragraph (h) (2) hereof, to a post-liberation blocked account in the name of "Bank of Naples, Account AF".

2. Paragraph (h) (2) is amended to read as follows:

(2) *Sardinia and the following provinces of Italy: Cosenza, Reggio Calabria, Potenza, Foggia, Bari, Brindisi, Catanzaro, Matera, Avellino, Taranto, Lecce, Naples, Salerno, Benevento, Rome, Littoria, Frosinone, and Campobasso.*

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regs. Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-13041; Filed, August 28, 1944;
12:26 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 214]

PART 801—GENERAL REGULATIONS

PART 804—INDIVIDUAL LICENSES

MISCELLANEOUS AMENDMENTS

In the column headed "Commodity" in § 801.2 *Prohibited exportations* the commodity descriptions "Brake blocks, asbestos, molded and semi-molded" and "Brake blocks, not molded" wherever they may appear in said section are amended to read "Brake blocks, molded, and semi-molded" and "Brake blocks, woven" respectively.

Paragraph (c) of § 804.2 *Applications for licenses* is hereby amended by deleting from group number 132 the commodities and Schedule B numbers assigned thereto and inserting in lieu thereof the following:

Commodity and Schedule B No.

132. Automotive replacement parts and accessories, except bus bodies and parts including starting, lighting and ignition equipment; copper cables; high tension wire in lengths not exceeding 100 feet; bolts, machine screws, nuts, rivets and washers; brake blocks, woven; brake linings, not molded; clutch facings, woven; and carbon brushes and stock when such items are to be used solely as automotive repair and replacement parts. 7923.05

thru 7927.00, 7032.00, 6425.00, 6430.00, 6435.00, 6033.00, 6459.05, 5457.00, 5458.30, 5474.01.

(Sec. 6, 54, Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 233, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9330, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16325; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 26, 1944.

S. H. LEBENSEURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-13040; Filed, August 23, 1944;
12:15 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 55 Stat. 176; E.O. 8024, 7 F.R. 323; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 24, Amdt. 1]

PURCHASE OF MACHINE TOOLS, MANUFACTURING MACHINERY, AND SIMILAR EQUIPMENT NEEDED FOR CIVILIAN PRODUCTION

• Section 944.45 *Priorities Regulation* 24 is hereby amended as follows:

1. The last sentence of paragraph (b) is hereby amended to read as follows: "However, the approval of the War Production Board must be obtained, as explained in paragraph (c), before the unratified purchase order is placed".

2. Paragraphs (b) (1) and (b) (2) are hereby revoked, and the following note should be inserted at the end of the new paragraph (b).

NOTE: Former paragraph (b) (1) now appears as the last sentence of paragraph (b). Paragraph (b) (2) was revoked August 23, 1944.

Issued this 28th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13043; Filed, August 28, 1944;
4:22 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 55]

RESTRICTIONS ON USE OF CARDED COTTON YARNS IN THE MANUFACTURE OF COPPER WIRE AND CABLE

The following direction is issued pursuant to CMP Reg. 1:

(a) Pursuant to paragraph (t) of CMP Regulation No. 1, wire mills are hereby directed not to use, after September 15, 1944, 14/1, 30/2 or finer two ply carded cotton yarns in the production of the types of wires and cables listed below:

Type P cords.....	Type RF fixture wire.....	Annunciator wire.....
Type PD cords.....	Type FF fixture wire.....	Office wire.....
Type PO cords.....	Type OF fixture wire.....	Inside telephone wire.....
Type C cords.....	Type CFC fixture wire.....	
Type K cords.....	Type CFPO fixture wire.....	
Type PWP cords.....	Type CFPD fixture wire.....	
Type HPD cords.....	Type AF fixture wire.....	
Type HC cords.....	Type AFO fixture wire.....	
Type X cords.....	Type AFPO fixture wire.....	
Type CX cords.....	Type AFPD fixture wire.....	

(b) Address all communications concerning this direction to the Wire Mill Branch of the Copper Division, Washington 25, D. C.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13102; Filed, August 29, 1944;
11:51 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-336 as Amended
Aug. 29, 1944]

PAPER CUPS AND PAPER FOOD CONTAINERS

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of paper cups and paper food containers and the material used in their manufacture, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3270.61 *Limitation Order L-336—*
(a) *Definitions.* For the purpose of this order:

(1) "Paper cups and paper food containers" means all empty open nested paper cups and round nested paper food containers with or without lids. The term does not include flat envelope types of cup, wedge-shaped food pails or nested paper plates.

(2) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant, business activity, governmental agency or institution to its employees when the food or drink is prepared on the premises of the plant, business activity, governmental agency or institution or when the food, or drink prepared in bulk (such as coffee or soup), is brought to the plant, business activity, governmental agency or institution and served in paper cups or paper food containers on the premises. It shall also include the serving of food, drink and refreshments by (i) military exchanges and service departments, (ii) hospitals serving their patients, (iii) service welfare organizations such as USO, Red Cross, etc., (iv) persons engaged in serving passengers in trains and in planes, and (v) educational institutions in serving their students. In-plant feeding includes the serving of food, drink and refreshments between meals as well as at meal-time. For instance, the use of paper cups for drinking water is included within the meaning of the term.

(3) "A caterer or concessionaire" means a person who has an agreement with an operator of a plant, business activity, governmental agency or institution to regularly provide in-plant feeding for its employees, and who prepares

his food or drink on the premises of the plant, or brings his food, or drink prepared in bulk (such as coffee or soup), to the plant and serves it on the premises. It does not include persons supplying drink or refreshments in paper cups or paper food containers from outside the plant.

(4) "Hot drink cup" means any unwaxed tall cup, double-wrapped, or single-wrapped of comparable weight, which is suitable for dispensing hot liquids.

(5) "Cold drink cup" means any one or two-piece waxed cup of six-ounce size or larger.

(6) "Military exchanges and service departments" means U. S. Army and Marine Corps Post Exchanges; U. S. Navy and Coast Guard Ship's Service Departments; War Shipping Administration Training Organization Ship's Service activities.

General Restrictions

(b) *Prohibitions.* (1) No manufacturer shall make packages of cups for retail sales.

(2) No person shall sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated:

(i) Paper cups for retail sales. This restriction shall not apply to stocks of paper cups made up for retail sales which were on hand on January 29, 1944.

(ii) Hot drink cups for any purpose other than military or in-plant feeding.

(iii) Paper cups for serving beverages out of individual paper, glass or metal containers (except for in-train feeding).

(iv) Portion control cups for retail sales or for party favors.

(3) No person shall commercially use paper cups to serve beverages out of individual paper, glass or metal containers. This restriction shall not apply to users' stocks on hand on January 29, 1944, or to in-train feeding.

(c) *Quantity limitation of hot drink cups.* No person shall commercially use more hot drink cups in any month than 80% of his average monthly consumption during the months of January through March 1944. This provision does not apply to the Army, Navy, military exchanges or service departments. However, the War Production Board may authorize a quota to a person who does not have one or an increase in quota, where there has been an increase in the number of production workers, installation of new in-plant feeding facilities, or where such action appears justified from the facts presented. Application for authorization of a quota to a person who does not have one or an increase in quota

may be made by letter to the appropriate field office of the War Production Board.

(d) *Inventory.* No user shall accept delivery of, or have-set aside or held by any person for his account any paper cups and paper food containers which will increase his inventory of any size and type to more than his reasonably anticipated requirements for the ensuing thirty days, subject to the following exceptions:

1. A user may accept the minimum commercial packing case quantity whenever his inventory is less than a thirty-days' supply.

2. A user whose purchase orders during 1943 for a particular kind of paper cup or paper food container printed specially for him averaged less than 25,000 in number, may accept that kind of printed paper cup or paper food container in quantities equal to the average order for it placed by him during 1943, provided he has on hand less than a two months' supply.

Restriction on Manufacturers

(e) *Maintenance of production of hot drink cups and flat bottom cold drink cups.* To meet the requirements of the armed forces and in-plant feeding operations, manufacturers of hot drink cups and flat bottom cold drink cups shall maintain a rate of monthly production of these items equivalent to the highest monthly production attained during 1943 and the first quarter of 1944 to the extent permitted by Paragraph (f) and subject to contingencies beyond his control.

(f) *Restrictions on tonnage of paper and paperboard to be processed.* No person shall, unless specifically authorized by the War Production Board, accept more paper and paperboard for the manufacture of paper cups and paper food containers in the second and third quarters of 1944 combined than 200% of the tonnage of paper and paperboard that he used for that purpose in the fourth quarter of 1943. No person shall, unless specifically authorized by the War Production Board, accept more paper and paperboard for the manufacture of paper cups and paper food containers in any calendar quarter beginning October 1, 1944 than his quota for that quarter. A person's quota for the fourth quarter of 1944 and for each succeeding quarter, until the War Production Board determines otherwise, is 100% of the tonnage of paper and paperboard that he used for the manufacture of paper cups and paper food containers in the fourth quarter of 1943. A change in these quotas may be made necessary by a change in the amount of pulp which may be allocated to the entire industry for any quarter.

Restrictions on Distribution

(g) *Distribution of production between military and civilian requirements.* (1)

Regardless of preference ratings, each manufacturer of paper cups must set aside the following percentage of his production of paper cups in each month beginning with July 1944, for delivery to the Army and the Navy (excluding domestic military exchanges and service departments but including those located outside the continental United States) on orders received from them before the 15th of the preceding month:

17% of his monthly production of 6 to 9 oz. hot drink cups but not more than 60% of these shall be of any one size.

45% of his monthly production of 6 to 10 oz. flat bottom cold drink cups but not more than 60% of these shall be of any one size.

80% of his monthly production of 12 to 24 oz. flat bottom cold drink cups.

If he has not received orders from the Army or Navy by the 15th of the preceding month for the full amount of the set-aside, he may release any surplus for delivery on orders as specified below. He shall make up his set-aside of flat bottom cold drink cups within each of the two size groupings specified above from sizes in accordance with orders placed by the Army and Navy. Set-asides under this paragraph shall be computed on the basis of the number of cups.

The balance of each manufacturer's monthly production of hot drink cups and flat bottom cold drink cups shall be used exclusively to fill non-military orders and orders from domestic military exchanges and service departments in accordance with Priorities Regulation No. 1 and the provisions of this order.

(2) Any distributor who delivers hot drink cups or flat bottom cold drink cups to the Army or Navy including military exchanges and service departments outside continental United States shall notify the manufacturer who supplied him with the cups, giving the contract or purchase order number, and the cups so sold shall be deducted from the set-aside for the following month by the manufacturer. No manufacturer shall make any deduction from the military set-aside because of deliveries made by a distributor unless he receives the above information from the distributor.

Use of Preference Ratings

(h) *Assignment of ratings.* Any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board (including CMP Regulation No. 5, CMP Regulation No. 5A and orders in the P or U series to buy paper cups and paper food containers for in-plant feeding, subject to the restrictions contained in this order.

(i) *Use of rating by caterer.* A caterer or concessionaire may use his customer's blanket MRO rating to buy paper cups and paper food containers for use in pro-

viding in-plant feeding to employees of the customer.

(j) *Ratings on application.* Preference ratings for users not included above and preference ratings differing from those assigned may be assigned on application by any person on Form WPB-541 (formerly PD-1A). The assignment of a rating to an applicant on this form will permit him to use that rating to get only the specific quantities and items authorized. This application shall be filed with the appropriate field office, and shall be given consideration on the basis of the requirements for extreme emergencies in in-plant feeding operations, disaster and blood donor feeding by the Red Cross or operating supplies for industrial plants.

(k) *Application and extension of ratings.* The ratings assigned pursuant to or permitted to be used by this order may be applied or extended in accordance with Priorities Regulation No. 3. Ratings applied or extended to get paper cups or paper food containers may not be extended to obtain materials for use in their manufacture.

(l) *Equipment for use of chinaware.* No person may use his blanket MRO rating to purchase paper cups or paper food containers for the serving of hot food or beverages if such person is equipped to use chinaware or other containers. In the event that such equipment can only serve a portion of his needs, he may use his MRO rating to order only the quantity of paper cups or paper food containers required in excess of such equipment.

(m) *Paper cups for packaging purposes.* Attention is called to the fact that persons buying paper cups and paper food containers for use in packaging food or other products for shipment or delivery are not permitted to use blanket MRO ratings for this purpose. Persons engaged in in-plant feeding operations also may not use their blanket MRO ratings to buy paper cups and paper food containers which are to be sent to a food packer to be filled and returned to the plant for in-plant feeding.

Miscellaneous

(n) *Appeals.* Appeals from Order L-336 shall be filed by addressing a letter to the appropriate field office of the War Production Board.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(o) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(p) *Communications.* All inquiries relating to this order other than requests for authorization or appeals shall be addressed to War Production Board, Con-

tainers Division, Washington 25, D. C., reference Order L-336.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13117; Filed, August 23, 1944; 11:53 a. m.]

PART 3287—GOVERNMENT SERVICES

[Limitation Order L-226, as Amended Aug. 25, 1944, Amdt. 1]

AMMUNITION

Section 3287.21 *Limitation Order L-226* is hereby amended in the following respects:

1. By striking out "Note: Item 1 of list amended August 25, 1943." and the list of calibers and gauges appearing in paragraph (a) (5) and substituting the following:

Note: This list amended August 23, 1944.

22 caliber rim fire.	32-29 caliber.
22 Hornet caliber.	348 caliber.
22 caliber High Power.	35 caliber.
220 Swift caliber.	351 caliber.
25-20 caliber.	357 Magnum caliber.
25-35 caliber.	33 caliber.
250-3000 caliber.	360 caliber.
257 Roberts caliber.	38-40 caliber.
30-08 caliber.	44-40 caliber.
30-30 caliber.	45 caliber.
30-40 Krag caliber.	10-gauge.
300 caliber (except	12-gauge.
300 H & H Mag-	16-gauge.
num).	20-gauge.
30 caliber.	23-gauge.
303 caliber.	410-gauge.
32 caliber.	

2. By changing the reference in paragraph (b) (4) from "paragraph (c)" to "paragraph (d)".

3. By striking out paragraph (b) (6) and substituting the following:

Note: Paragraph (b) (6) allowing sales from certain stocks in the hands of dealers on August 25, 1943, was taken out of the order by the amendment of August 23, 1944.

4. By striking out all of the present paragraph (c), including all four certificate forms; by inserting in its place, and re-designating it as paragraph (c), the present paragraph (d), making in it the following change:

Strike out "Form PD-860" and substitute "Form WPB-2632 (formerly PD-860)".

5. By inserting a new paragraph (d) as follows:

(d) *Certificate.* Before buying or accepting delivery of any ammunition under paragraph (b) (4) of this order, a purchaser must sign and deliver to the seller a certificate in substantially the form set out below (The standard certificate in Priorities Regulation 7 may be used instead, provided the address of the purchaser is included). The seller shall be entitled to rely on it unless he knows or has reason to know it is false. The certificate records may be handled in either or both of these ways: the purchaser may sign and deliver to the seller a separate certificate with his purchase,

or the seller may simply write out the certificate one time at the top of a paper and have the purchasers sign one after the other below the certificate. In either case the purchaser must sign and give his address.

CERTIFICATE

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order and to receive the item(s) ordered for the purpose for which ordered.

Purchaser	Address
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6. By changing the word "Governmental" in paragraph (e) (6) to "Government".

7. By making the following changes in Schedule A appearing at the end of the order:

(i) By changing the note appearing at the top of Schedule A from "Note: Paragraphs (1) and (4) amended August 25, 1943," to "Note: Paragraph (4) amended August 29, 1944."

(ii) By striking out all of paragraph (4) and substituting the following:

(4) To any farmer or rancher for protection of crops and livestock, or for hunting, or both:

100 rounds of .22 caliber rim fire cartridges.
40 rounds of center fire rifle ammunition (or 50 rounds of the kind ordinarily packaged fifty to the box, such as .25-20, .32-20, .22 Hornet, .38-40 and .44-40).
25 rounds of shotgun shells of any gauge.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13104; Filed, August 29, 1944;
11:50 a. m.]

PART 3287—GOVERNMENT SERVICES

[Supplementary Limitation Order L-286-b]

AMMUNITION

§ 3287.23 *Supplementary Limitation Order L-286-b—(a) Purpose.* In order to protect crops and livestock and to increase the food supply, this order permits all persons, including farmers and ranchers, to get special and additional quotas of ammunition to shoot predators and to hunt game.

(b) From now through December 31, 1944, a manufacturer, supplier or dealer may sell and deliver to any person for protection of crops and livestock, or for hunting, or both, upon receipt of a certificate as provided in paragraph (f), and any person may buy and accept delivery for those purposes, not more than:

150 rounds of .22 caliber rim fire cartridges.
40 rounds of center fire rifle ammunition (or 50 rounds of the kind ordinarily packaged fifty to the box, such as .25-20, .32-20, .22 Hornet, .38-40 and .44-40).
100 rounds of shotgun shells of any gauge.

(c) *Farmers and ranchers.* It is the intent of this order to let farmers and ranchers get this special quota of am-

munition during the rest of 1944 but not to get more than that. If a farmer or rancher gets any of this special quota of ammunition, he may not get any more of his regular quarterly quotas of ammunition under Limitation Order 286 before January 1, 1945. If a farmer or a rancher gets any of his regular quarterly quotas of ammunition under Limitation Order 286 after August 29, 1944 and before January 1, 1945, he must charge it against this special quota and get only what is left of this special quota. He does not have to charge against this special quota any of his regular quarterly quotas of ammunition that he has actually received before August 29, 1944.

(d) *What does not have to be charged against this special quota.* A person does not have to charge against this special quota any ammunition that he gets or has gotten under specific authorization by the War Production Board on Form WPB-2682 or the old Form PD-860.

(e) *How this ammunition may be bought.* A person does not have to buy all of his special quota at one time. He may do so, but instead he may get parts of it from time to time before January 1, 1945, as long as he signs for it each time and, counting what he has already bought and what he is buying, never goes over his quota.

(f) *Certificate.* Before buying or accepting delivery of any ammunition under this supplementary order, a person must sign and deliver to the seller a certificate in substantially the form set out below (The standard certificate in Priorities Regulation 7 may be used instead provided the address of the purchaser is included). The seller shall be entitled to rely on it unless he knows or has reason to know it is false. The certificate records may be handled in either or both of these ways: the purchaser may sign and deliver to the seller a separate certificate with his purchase or the seller may simply write out the certificate one time at the top of a paper and have the purchasers sign one after the other below the certificate. In either case the purchaser must sign and give his address.

CERTIFICATE

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the U. S. Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order and to receive the item(s) ordered for the purpose for which ordered.

Purchaser	Address
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(g) *Applicability of regulations.* This supplementary order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time. Particular attention is called to the record-keeping requirements in Priorities Regulation 1.

(h) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13103; Filed, August 29, 1944;
11:50 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-23-c, as Amended
August 29, 1944]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of domestic cooking appliances and domestic heating stoves for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.66 *Limitation Order L-23-c—(a) Definitions.* For the purpose of this order:

(1) "Domestic cooking appliances" means the following non-electric appliances: Gas ranges, cook stoves and hot plates for household use; coal and wood ranges and cook stoves for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts as integral parts of such heating devices, and includes but is not limited to circulating, radiant and portable heaters; trailer and caboose stoves; and laundry stoves (except water jacketed and permanently built-in coil types). Domestic heating stoves shall not include floor or wall furnaces.

(3) "Stove" means any domestic cooking appliance or domestic heating stove.

(4) "Accessories" means aprons, high closets, high shelves, clocks, lights, timers, broilers not using the oven burner, broiler pans other than iron, steel or aluminum, cover-alls and any other instruments, attachments, or appurtenances (except top-burner lighters, thermostats, thermometers, top work space and storage compartments) for domestic cooking appliances not essential to any of the following three major cooking operations: Top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal in the unit.

(6) "Base period" means the twelve month period from July 1, 1940 to June 30, 1941.

(b) General restrictions on production. (1) [Deleted Aug. 29, 1944.]

(2) No person shall manufacture, fabricate or assemble any stove except to the extent authorized by the War Production Board on Form GA-1850. (Application for authorization should be made in accordance with paragraph (b) (3)). The War Production Board will authorize limited production quotas so that the aggregate production of each type of stove will not exceed the percentage of the base period production specified in Schedule A. Production will not be authorized in any plant where such production, or labor requirements therefor, will interfere with war production in that plant, or in any other plant located in the same area.

(3) A person wishing to make stoves under paragraph (b) (2), should apply for authorization by letter addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., reference L-23-c. This letter should state the proposed production in units of each model per quarter. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by an application on form CMP-4B for the controlled materials.

(c) Special restrictions on production. In addition to the restrictions contained in paragraph (b), all of the following special restrictions must also be complied with:

(1) [Deleted Aug. 29, 1944.]

(2) No person shall manufacture, fabricate or assemble any accessories or incorporate them into any stove except that those non-electric accessories, not including cover-alls, which were in his stock in a completely assembled and finished condition on June 7, 1944, may be used in the production of stoves.

(3) No thermostats for use with stoves shall be produced.

(4) [Deleted Aug. 29, 1944.]

(5) No person shall use any "bright work", "bright finish", metal finish or trim containing copper, nickel or chrome in the production of stoves.

(d) Exceptions. (1) The restrictions of this order do not apply to the production of repair and replacement parts. However, no person shall produce repair or replacement parts in excess of the quantity required to maintain a practicable minimum working inventory.

(2) [Deleted Aug. 29, 1944.]

(3) [Deleted Aug. 29, 1944.]

(e) Reports. Manufacturers of stoves shall report on or before the tenth day of each month on Form WPB-3249. This reporting requirement has been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

(f) Applicability of regulations. All persons and transactions affected by this order are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(g) Applicability of other orders. Insofar as any other orders heretofore or hereafter issued by the War Production Board limit the use of any material in the production of stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(h) Exceptions and appeals—(1) Production under Priorities Regulation 25.

Any person who wants to manufacture, fabricate or assemble more stoves than he has been authorized to make on Form GA-1850 (including a person who has no authorization) may apply for permission to do so under Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) if he desires. Application may also be made under Priorities Regulation 25 by any person for permission to manufacture, fabricate or assemble any accessories or to produce thermostats for use with stoves. Accessories made under Priorities Regulation 25 authorization may be assembled or incorporated into stoves.

(2) Appeals. Any appeal from the provisions of this order, other than the restrictions of paragraphs (b) (2), (c) (2) or (c) (3), should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeals should be filed from the restrictions of paragraphs (b) (2), (c) (2) or (c) (3).

(i) Communications. All communications concerning this order, except appeals, shall unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., reference L-23-c.

(j) Violations. Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Percentage
of total unit
production
by all producers in
the base
period (July
1, 1940 to
June 30, 1941)

Domestic cooking appliances:	
1. Gas ranges and cook stoves.....	40
2. Combination, bungalow and kitchen heater ranges.....	40
3. Coal and wood ranges and cook stoves.....	100
4. Fuel oil ranges and cook stoves.....	40
5. Gas hot plates.....	75
6. Portable and drum ovens.....	75
Domestic heating stoves:	
1. Gas fired heaters.....	75
2. Oil fired heaters.....	40
3. Coal and wood heaters.....	100
4. Coal and wood laundry stoves.....	100

SCHEDULE B: Deleted Aug. 29, 1944.

INTERPRETATION 1: Superseded June 7, 1944.

INTERPRETATION 3

CHROMIUM PLATING FOR REFLECTOR PLATES

The restrictions contained in paragraph (c) (5) do not prohibit the use of chromium plated steel for heat reflectors as a functional part of radiant heaters, where no suitable substitute material has been found and where the use of such reflectors is necessary to avoid high floor temperature and to decrease fire hazard. [Issued July 12, 1944.]

[F. R. Doc. 44-13106; Filed, August 23, 1944; 11:50 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-23-c, Revocation of Interpretation 2]

CHANGES IN STOVE MODELS

Interpretation 2 to Limitation Order L-23-c is hereby revoked.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13107; Filed, August 29, 1944; 11:59 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-74, as Amended Aug. 23, 1944]

OIL BURNERS

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of oil burners for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.71 General Limitation Order L-74—(a) Definitions. For the purpose of this order:

(1) "Oil burner" means any device which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

- (i) Mechanical, steam or air atomizer oil burner.
- (ii) Vertical or horizontal rotary oil burner.
- (iii) Mechanical vaporizing oil burner.
- (iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing. An oil burner will be considered as designed or manufactured specifically for heat processing if it is produced for use in connection with devices intended for the application of heat for purposes other than for space heating or hot water supply systems. Heat processing will, therefore, include, but is not limited to rendering sea water drinkable, melting tar or asphalt for road or roof use, dehydrating milk, sterilizing, and the like.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Replacement" means replacement of any oil burner by another oil burner.

(7) "New installation" includes an oil burner installed in a new heating plant or an oil burner installed as a conversion from any other fuel.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on producers of Class B oil burners.* No producer shall manufacture or assemble a Class B oil burner or deliver such a burner either assembled

or in sets of parts except to fill an order already received, which has been approved on Form WPB-1319. He may produce or assemble such burners only to the extent necessary to fill orders on hand which he cannot fill from his inventory of completely assembled burners. Any person who wants to buy a Class B oil burner from a producer should file Form WPB-1319 in triplicate with the War Production Board, Plumbing and Heating Division, Washington 25, D. C.

(c) *Restrictions on delivery of Class B oil burners for installation; restrictions on installation.* No dealer or distributor may deliver a Class B oil burner for installation, either assembled or in sets of parts, and no person may install a Class B oil burner, except as follows:

(1) *Replacement.* A dealer may deliver any Class B oil burner from his stock for installation as a replacement, and the installation may be made, if the owner of the premises has applied for and obtained the approval of the appropriate War Production Board District office on Form WPB 1319. The dealer may deliver and the installation may be made without approval from any source, if the burner to be replaced is over ten years old, or has actually broken down and is beyond repair during the season in which it is in use. No installation may be made for replacement unless the installer arranges to have the old burner scrapped or dismantled, but this requirement does not mean that the installer is entitled to take the old burner without the owner's consent or without crediting him with its value.

(2) *New installations.* Any person may deliver a Class B burner from a dealer's inventory for a new installation if the Petroleum Administration for War has specifically approved in writing the delivery of fuel oil for a Class B oil burner on the premises in question.¹ The authorization of a local War Price and Rationing Board to accept delivery of fuel oil will not be sufficient.

(3) *Food processing installations.* Any person may deliver a Class B burner from a dealer's inventory for use in raising and preparing crops, poultry, livestock and other agricultural products for market.

(4) *Bureaus assembled in other products.* If the War Production Board has approved the delivery of a Class B oil burner on Form WPB-1319 for physical incorporation in or assembly with another product, such as a water heater, further authority under this order is not required for delivery of the assembled unit, but the restrictions of L-79 (prohibiting delivery except to fill a rated order) must be complied with.

(5) *Sales to dealers.* Any dealer or distributor may sell or deliver any Class B oil burner to another dealer or distributor for resale.

(6) *Oversea shipment.* Any dealer or distributor may deliver a Class B burner

to fill a rated order for shipment to a foreign country or a territory or overseas possession of the United States.

(d) *Restrictions on sale of Class A and Class C oil burners:*

(1) Class A oil burners may be delivered only on orders bearing a preference rating of AA-5 or higher. (In case of a new installation in the continental United States, application for preference rating must be accompanied by copy of authorization from the Petroleum Administration for War, permitting the delivery of fuel oil.)

(2) Class C oil burners may be delivered without a preference rating. (However, authorization for delivery of fuel oil must be obtained from the Petroleum Administration for War in accordance with its order PDO-13.)

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufactured, fabricated, assembled and delivered.

(f) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture or assemble more Class B oil burners than permitted under paragraph (b) may apply for permission to do so as explained in Priorities Regulation 25. However, any Class B oil burners manufactured pursuant to an authorization under that regulation are subject to all delivery restrictions in paragraphs (b) and (c).

(2) *Appeals.* Any appeals from the provisions of this order, other than the manufacturing restrictions of paragraph (b), shall be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the manufacturing restrictions of paragraph (b).

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-74.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Bureau of the Budget.* The Bureau of the Budget has approved the use of Form WPB-1319 and other reporting requirements of this order, in

¹ Under PDO-13, as amended or supplemented from time to time. At present applications to the P. A. W. for approval are made by letter, which must be submitted in quadruplicate.

accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13105; Filed, August 29, 1944;
11:51 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-75, as Amended
Aug. 29, 1944]

COAL STOKERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the manufacture of coal stokers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.76 *General Limitation Order L-75—(a) Definitions.* For the purposes of this order,

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber; including, but not limited to, any feed screw, ram, spreader, or moving grate. Coal stokers shall not include any device designed and produced for the purpose of feeding coal as a fuel to a locomotive.

(2) "Class A coal stoker" means any coal stoker which has a grate area of 36 square feet or less, and a coal feeding capacity in excess of 60 pounds per hour. For the purpose of this paragraph, slide dump plates designed to burn coal shall be considered a part of the grate area.

(3) "Class B coal stoker" means any coal stoker which has a maximum coal feeding capacity not in excess of 60 pounds per hour.

(b) *Restrictions.* (1) No manufacturer, distributor, or dealer may deliver or accept delivery of a new Class A stoker except:

(i) To fill orders of or for ultimate delivery to the Army or Navy;

(ii) For approved installation in a building or project authorized by any order of the P-19 series on Form GA-1456 or in the P-55 series on Form WPB-2896.

(iii) To fill orders authorized on Form WPB-1319. Applications for such authorization must be filed with the appropriate War Production Board Field Office. (This application form may be used by dealers and distributors for inventory. The use of the form, for appropriate War Production Board field plus installation) is no more than \$5,000, is required of any ultimate consumer not covered by (i) or (ii) and is permissible in lieu of application under (ii). If the total cost exceeds \$5,000, application must be made under (i) or (ii). Any order so authorized by the War Production Board shall be deemed a "rated order" for the purposes of section 944.2 of Priorities Regulation No. 1. Use of

No. 173—2

Form WPB-1319 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) No person shall manufacture a Class B stoker.

(c) *Manufacture of replacement parts.* Nothing in this order shall be construed to prohibit or restrict the manufacture of replacement parts for any type of coal stoker.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into coal stokers in excess of the minimum amount necessary to maintain production of coal stokers to the extent permitted by this order.

(e) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Exceptions and appeals.—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture any Class B stokers may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restriction of paragraph (b) (2), should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restriction of paragraph (b) (2).

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other order heretofore or hereafter issued by the War Production Board, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-75.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13115; Filed, August 29, 1944;
11:53 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-182, as Amended Aug.
23, 1944]

COMMERCIAL COOKING AND FOOD AND PLATE WARMING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the production of commercial cooking and food and plate warming equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.46 *General Limitation Order L-182—(a) Definitions.* For the purposes of this order:

(1) "Commercial cooking and food and plate warming equipment" means new equipment (except equipment specially designed to use electricity as the heating agent) designed for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale on the premises in which the equipment is located. It does not include cooking appliances for household use. It does include, but is not limited to, such items as the following:

Bakers.
Broilers.
Fryers.
Griddles.
Grills.
Hot plates.
Ovens (except built-in types).
Ranges.
Reactors.
Steamers.
Toasters.
Urns.
Warmers.

It also includes new steam-jacketed kettles, regardless of any use to which they may be put, which are designed to use steam at working pressures of less than 80 pounds per square inch, except enamel and glass lined kettles specifically designed for use by the chemical and pharmaceutical industry for the rendering of oils and fats.

(2) "Ultimate consumer" means any person who uses commercial cooking and food and plate warming equipment for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale.

(b) *Restrictions on production.* (1) No person shall produce any commercial cooking and food and plate warming equipment listed on Schedule I to this order. No person shall produce any other commercial cooking and food and plate warming equipment except:

(i) For delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration; or

(ii) As authorized by the War Production Board on Form GA-1850.

(2) The restrictions of paragraph (b) (1) do not apply to the production of repair and replacement parts, including

repair and replacement parts for equipment listed on Schedule I. However, no person shall produce repair or replacement parts in excess of the quantity required to maintain a minimum practicable working inventory.

(3) A person wishing to produce commercial cooking and food and plate warming equipment which will not be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, should apply for authorization by letter addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-182. This letter should give all pertinent information with respect to proposed production. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by application on Form CMP-4B for the controlled materials.

(4) Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant, or in any other plant located in the same area. This program calls in each calendar quarter for production by the industry as a whole of not more than 18% of the aggregate production of the industry in the year 1941, in addition to production of repair and replacement parts and of equipment to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration. Individual authorizations will be issued in amounts sufficient to carry out this program.

(c) *Restrictions on delivery.* No manufacturer, distributor or dealer may deliver or accept delivery of new commercial cooking and food and plate warming equipment except as follows:

(1) To fill orders of or for ultimate delivery to the Army,¹ Navy, Maritime Commission or War Shipping Administration, or to any agency of the United States Government placing orders for equipment to be delivered to or for the account of any other country under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or to fill ship chandlers' or marine distributors' orders authorized by the Maritime Commission on Form WPB-646 and to fill orders for equipment obtained by ship chandlers or marine distributors by the use of Form WPB-646 for delivery only to persons as authorized by that form.

(2) For approved installation in a building or project authorized by any order of the P-19 series on Form CMPL-224 or Form GA-1456, or in the P-55 series on Form WPB-2896.

(3) As approved by the War Production Board on Form WPB-1319. The ul-

timate consumer should apply to the Plumbing and Heating Division, War Production Board, Washington 25, D. C. on this form, describing the equipment to be delivered. The War Production Board will return a copy to him with its approval or denial of the application indicated. If approval is granted, the ultimate consumer may certify by endorsement on his purchase order in the standard form prescribed in Priorities Regulation 7, adding the serial number of authorization on Form WPB-1319 he has received, or, if he prefers, he may certify as follows:

The War Production Board has authorized me to accept delivery on this order, under the terms of Order L-182 (and L-248) with which I am familiar. Delivery approved on Form WPB-1319, serial number -----

(Consumer)

A dealer or distributor receiving an order so certified may obtain delivery of material to fill the order if he endorses a similar certificate on his purchase order. Any person may deliver in reliance on such a certificate unless he knows or has reason to believe it to be false. A dealer or distributor who wants to buy for inventory must also apply on Form WPB-1319, filed with the Plumbing and Heating Division, War Production Board, Washington 25, D. C., indicating the manufacturer of the product he wishes to buy. If his application is approved, the procedure to be followed is the same as set forth above with respect to consumers' applications, except that he may buy only the product of the manufacturer indicated. Applications for material under this order and Order L-248 may be made on a single Form WPB-1319.

(4) Delivery of repair parts may be made as limited in Order L-79.

(d) *Exceptions.* The restrictions of paragraph (c) do not apply to griddles, hot plates, grills and coffee urns (1 to 3 gallon), provided the net weight of each does not exceed 50 lbs., nor do they apply to coffee makers of any weight. Also, the restrictions of this paragraph do not apply to deliveries by an ultimate consumer to a dealer, or by a dealer to another dealer or manufacturer.

(e) *Reports.* Every manufacturer of any commercial cooking and food and plate warming equipment who has an inventory of such equipment, either new or used, shall execute and file with the War Production Board on or before the 10th day of each calendar quarter a report on Form WPB-1509 (formerly PD-638), which may be obtained from the nearest field office of the War Production Board. Reports under this order and Order L-248 may be made on a single Form WPB-1509. The Bureau of the Budget has approved the reporting requirements of this order in accordance with the Federal Reports Act of 1942.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce any commercial cooking and food and plate warming equipment listed on Schedule I, and any person who wants to produce more commercial cooking and food and plate warming equipment not so listed than he has been authorized to produce on Form GA-1850 (including a person who has no authorization), may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) if he desires.

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (b) (1), should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) (1).

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L-182.

(i) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE I

Barbecue machines.
Chicken singers.
Chop suey ranges (ranges with built-in kettles—water and sewer connections).
Cruller fryers.
Cup warmers.
Dish warmers.
Egg boilers.
Nut blancher ovens.
Nut fryers.
Nut roasters.
Oyster stoves.
Peanut roasters.
Plate warmers.
Potato chip fryers.
Roll warmers.
Rotisseries (revolving spit barbecue machine).
Sausage warmers.
Waffle irons.
Warming ovens.

INTERPRETATION 1: Superseded June 7, 1944.

[F. R. Doc. 44-13114; Filed, August 29, 1944; 11:53 a. m.]

¹ Under Interpretation 1 to the preceding version of this order, material for Army Pre-Flight training schools, to be owned privately and not by the Army, could not be delivered without War Production Board approval. This is still true.

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-185, as Amended Aug. 29, 1944]

WATER HEATERS

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of water heaters for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.51 *General Limitation Order L-185—(a) Definitions.*

(1) "Direct fired water heater" means any device for the direct transference of heat produced by electricity or by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a hot water supply system. The term includes, but is not limited to, coils, side-arm water heaters, bucket-a-day stoves, laundry stoves (with cored water sections), dome type water heaters, steel hot water supply heaters, or service water tank heaters having not more than two cored water sections, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters, electric water heaters, and solar water heaters. The term does not include any low pressure cast iron or steel boiler designed for the purpose of heating water to provide heat for the interior of a building by means of circulating steam or hot water.

(2) "Indirect water heater" means any device to which steam or hot water is piped for the transference of the heat of such steam or hot water to the water of a hot water supply system, or the water of a hot water space heating system. The term includes, but is not limited to, coils, side arm water heaters, submerged type water heaters or any indirect water heater (including tanks) commonly referred to as a storage water heater consisting of a heating element installed in a hot water storage tank for the purpose of heating and storing hot water for any use, and any indirect water heater consisting of a coil or a nest of tubes installed in a shell or pressure vessel having a diameter 12" or less (if other than circular in cross section and internal cross sectional area 113 sq. in. or less) and designed for the purpose of supplying hot water to a hot water supply system or a hot water space heating system. The term does not include any storage tank, the manufacture of which is governed by Limitation Order L-199, even though used in conjunction with any indirect water heater. It is not intended by the foregoing definition to include any product which is controlled by Limitation Order L-123.

(3) "Hot water supply system" means any system of supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water for specialized industrial or agricultural purposes.

(4) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(5) "Metal jacket" means any metal covering, lining, or portion thereof (but not any metal band two inches or less in width used to support a jacket which holds dry insulation) for any direct fired or indirect water heater, except any metal covering, lining, or portion thereof which conducts flue gases, water, or steam through and to the outside of a direct fired or indirect water heater, and except any ferrous metal wire netting used as a base for the wet application of insulating material.

(6) "Copper base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(b) *Use of copper, stainless steel, and monel metal in manufacture.* No person shall use in the manufacture, fabrication, or assembly of any direct fired or indirect water heater, any copper, copper base alloy, stainless steel, or monel metal except:

(1) For repair parts not including tanks;

(2) For temperature, pressure, vacuum or electrical controls, safety devices or valves;

(3) For tank spuds or tappings;

(4) For coils and tubular units built with copper tubing of 1½" outside diameter or less, in indirect water heaters only. However, the shells, steam heads, tube plates and other cast parts of indirect water heaters shall be of ferrous metal, or non-metallic materials except that terminal outlets and spacer plates may be of a copper base alloy in which no primary tin or copper is used, and the alloy shall be of no higher grade than alloy 5A of the A. S. T. M. specification B-145-42-T.

The exceptions to the restrictions in the use of copper, stainless steel, or monel metal contained in paragraphs

(b) (2) and (b) (4) do not apply to the production of indirect water heaters designed for hot water space heating systems.

(5) For coils and terminal outlets for direct fired side-arm water heaters, except that any copper base alloy used in the production of terminal outlets may contain no primary tin or copper, and the alloy shall be of no higher grade than alloy 5A of the A. S. T. M. Specification B-145-42-T.

(6) For current carrying parts and heating elements for electric water heaters.

(c) *Use of copper, stainless steel, and monel metal in the installation of repair and replacement parts.* (1) No person shall in any repair or replacement use or install parts containing in the aggregate more than two pounds of copper or copper base alloy, stainless steel, or monel metal, if the weight of the copper, copper base alloy, stainless steel, or monel metal so used or installed exceeds by more than one pound the

weight of copper, copper base alloy, stainless steel, or monel metal replaced. The restrictions in this subparagraph do not apply to the replacement of ferrous heating elements for direct or indirect water heaters.

(2) All copper and copper base alloy replaced in any repair shall be delivered by the person making the repair to a scrap dealer or other person specified under Copper Order M-9.

(d) [Deleted Aug. 29, 1944.]

(e) *Restrictions on production—(1) Water heaters except electric.* No person shall manufacture or assemble more units of direct fired (other than electric) or indirect water heaters than his quota, which for each calendar year, shall be determined by the percentage indicated on Schedule A of his 1941 unit production of the same classification of water heaters. However, regardless of the number of water heaters he may have produced before July 1, 1944, his quota for the period from that date through December 31, 1944, shall be ½ the quota for each calendar year. If additional production is necessary to fulfill the approved War Production Board program, any person may request authorization to exceed his quota by addressing a letter to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., stating his proposed additional production in units per quarter, and the War Production Board may authorize additional production on Form GA-1850. Where the applicant will need controlled materials in order to produce the additional equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials.

(2) *Electric water heaters.* (i) No person shall manufacture or assemble any electric water heaters except to the extent authorized by the War Production Board on Form GA-1850. The War Production Board will authorize limited production so that the aggregate production of electric water heaters for each calendar year will not exceed 37 per cent of the aggregate production of the industry from July 1, 1940 through June 30, 1941, except that for the period from July 1, 1944, through December 31, 1944, the aggregate production shall not exceed 18½ per cent. Production will not be authorized in any plant where such production or labor requirement therefor will interfere with war production in that plant or in any other plant located in the same area.

(ii) A person wishing to make electric water heaters (other than those excepted by paragraph (f)), should apply for authorization by letter addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., reference L-185. This letter should state the proposed production in units per quarter. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials.

(iii) No person may manufacture or assemble electric water heaters in more than three sizes (based on water storage

capacity) nor in more than one model in each size, but a change in the number or design of heating elements shall not constitute a change in size or model. Each person shall report in a letter the size and model designation of the electric water heaters he intends to produce. Each person shall thereafter produce only those sizes and models so reported unless written authorization is received from the War Production Board to produce any other models or sizes. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) Exceptions to manufacturing restrictions. The restrictions of this order do not apply to the production of water heaters or parts required by the Army, Navy, Maritime Commission, or War Shipping Administration, or by rules and regulations promulgated by the Coast Guard for merchant vessels, for use in ships, boats, planes, laundries, kitchens, hospitals, bakeries, or advance bases, or to fill orders authorized by the Maritime Commission on Form WPB-646. Water heaters produced under this paragraph (f) shall not be charged against the production quotas set forth in paragraphs (e) (1) and (e) (2).

(g) Exceptions and appeals—(1) Production under Priorities Regulation 25. Any person who wants to manufacture or assemble more direct fired or indirect water heaters than the quota fixed for him or the amount he has been authorized to make on Form GA-1850 (including a person who has no such quota or authorization), may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraphs (e) (1) and (e) (2) (ii).

(2) Appeals. Any appeal from the provisions of this order, other than the restrictions of paragraphs (e) (1) and (e) (2) (i), shall be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (e) (1) or (e) (2) (i).

(h) Communications. All communications concerning this order, unless otherwise directed should be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-185.

(i) Reports. Manufacturers of water heaters shall report on or before the tenth day of each month on Form WPB-3717, following the instructions on the form. This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(j) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or fur-

nishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PERMITTED PERCENTAGES OF 1941
UNIT PRODUCTION

A. Direct fired water heaters:	Percent
1. Underfired water heaters.....	80
2. Coal and wood fired water heaters..	100
3. Side-arm heaters.....	70
4. All others.....	50
B. Indirect water heaters.....	57

[F. R. Doc. 44-13110; Filed, August 29, 1944;
11:52 a. m.]

PART 3288¹—PLUMBING AND HEATING
EQUIPMENT

[General Limitation Order L-187 as Amended
Aug. 29, 1944]

CAST IRON BOILERS

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of cast iron boilers for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.56¹ General Limitation Order No. L-187—(a) Definition. For the purposes of this order: "Cast iron boiler" means any pressure vessel designed to absorb heat generated by the burning of a fuel through cast iron heating surfaces in order to provide heat for the interior of structures, for processing, or for domestic hot water supply. It does not mean a small heater known in the industry as a dome top, a flat top, or a bucket-a-day hot water supply boiler or laundry stove, or any heating device commonly known as a gas steam radiator.

(b) Restrictions on production. No person shall in the first three months of 1944, and in each following three months period, manufacture more low pressure cast iron boilers than 25% of the low pressure cast iron boilers he manufactured in the whole year 1940, except that any person may exceed this quota if he applies to the War Production Board by letter for permission and permission is granted. These quota limitations do not apply to the manufacture of repair parts for boilers. The War Production Board will not authorize for production by all manufacturers more low-pressure cast iron boilers than were produced in 1940.

¹ Formerly Part 8046, § 3046.1.

(c) Reports. Manufacturers of low pressure cast iron boilers shall report on or before the tenth of each month on Form WPB-1510. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) Communications. All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L-187.

(e) Violations and false statements. Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(g) Production under Priorities Regulation 25. Any person who wants to make more cast iron boilers than the quota fixed in paragraph (b) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply under paragraph (b) for special permission to exceed his quota. No appeals should be filed under this order.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13112; Filed, August 29, 1944;
11:52 a. m.]

PART 3288—PLUMBING AND HEATING
EQUIPMENT

[General Limitation Order L-199 as Amended
Aug. 29, 1944]

PLUMBING AND HEATING TANKS

The fulfillment of requirements for the defense of the United States has created a shortage of materials used in the manufacture of plumbing and heating tanks for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.6 General Limitation Order L-199—(a) Definitions. For the purpose of this order:

(1) "Tank" means any metal expansion tank, metal hot water storage tank

and metal range boiler, if the tank or range boiler is used in hot water supply systems or in hot water space heating systems. The term does not include any tank used as an integral part of a direct fired water heater or indirect water heater, the manufacture of which is covered by Limitation Order L-185.

(2) "Hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water for specialized industrial or agricultural purposes.

(3) "Hot water space heating system" means any system which is designed for the purposes of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(4) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(5) "Base period" means the calendar year 1941.

(b) *Use of copper, stainless steel, and monel metal in manufacture.* No person shall use in the manufacture, fabrication or assembly of any tank, any copper, copper base alloy, stainless steel, or monel metal except:

(1) For repair parts;
(2) For temperature, pressure, and vacuum safety valves;

(3) For tank spuds or tappings.

(c) *Restrictions on sizes and design of tanks.* No person may fabricate, manufacture, or assemble black iron, galvanized iron, or porcelain enameled range boilers or black iron or galvanized iron expansion tanks, except in accordance with the specifications in Schedules A, B and C.

(d) *Use of non-ferrous tanks for replacement.* No person may deliver or install copper, copper base alloy or monel metal tanks in existing inventories except to replace a non-ferrous tank of similar capacity or larger.

(e) *Restrictions on production.* No person shall manufacture or assemble more tanks than his quota, which, for each calendar year, shall be determined by the percentage indicated below of his base period unit production of the same classification of tanks. However, regardless of the number of tanks he may have produced before June 2, 1944, the quota for the period from that date through December 31, 1944 shall be 7/12 the quota for each calendar year:

Percent

Range boilers and expansion tanks..... 70
Storage tanks..... 75

Any person may request authorization to exceed his quota by addressing a letter to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., stating his proposed additional production in units per quarter, and the War Production Board may

authorize additional production on Form GA-1850, if additional production is necessary to fulfill the approved War Production Program. Where the applicant will need controlled materials in order to produce the additional equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials.

(f) *General exceptions.* The restrictions of paragraphs (b) and (c) do not apply to the production of articles or parts not available in the producer's inventory for use in ships, boats, planes or advance bases when required by the Army, Navy, Maritime Commission, War Shipping Administration, or Coast Guard, or by rules and regulations promulgated by the Coast Guard for merchant vessels.

(g) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture or assemble more tanks than the quota fixed in paragraph (e) (including a person who has no quota under this order) may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (e).

(2) *Appeals.* Any appeal from the provisions of this order, other than the restrictions of paragraph (e), should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (e).

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-199.

(i) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

BLACK IRON OR GALVANIZED RANGE BOILERS—STANDARD, EXTRA HEAVY, AND PORCELAIN ENAMELED—PERMITTED SPECIFICATIONS

Inside diameter of tank	Length of shell (length of sheet—not over-all length)	Nominal capacity	Tapping pipe size	Tappings
Inches	Inches	U. S. Gall.	Inches	Number
12	20	15	1	6
12	30	30	1	6
14	30	40	1	6
15	30	60	1	6
20	30	82	1	6
24	30	120	1½	6

Construction: Welded seams only.
Hand Holes and Manholes: None permitted.
Inspection Tappings: None permitted.
Tappings: Six tappings. One side tapping, 6 inches from the top edge of sheet; and one 6 inches from the bottom edge of sheet in line; two tappings in the top one tapping in the bottom; and one tapping on the side at 180° from the line of the other two side tappings—15 gallon size tanks to have such tappings 9 inches from the bottom edge of sheet, all other size tanks to have such tappings 13 inches from the bottom edge of sheet.

SCHEDULE B

PORCELAIN ENAMELED RANGE BOILERS—PERMITTED SIZES (NOMINAL CAPACITY)

30 U. S. Gallons.
40 U. S. Gallons.
62 U. S. Gallons.

SCHEDULE C

EXPANSION TANKS—PERMITTED SPECIFICATIONS

Inside diameter	Length of shell (length of sheet—not over-all length) (inches)	Nominal capacity (U. S. gal.)
12	20	10
12	30	15
12	30	20
14	30	20
14	30	40

Construction: Welded seams only.

INTERPRETATION 1: Superseded November 22, 1943.

INTERPRETATION 2: Superseded June 2, 1944.

[F. R. Doc. 44-13111; Filed, August 23, 1944; 11:52 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-248 as Amended Aug. 23, 1944]

COMMERCIAL DISHWASHERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the manufacture of commercial dishwashers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.61 *General Limitation Order L-248—(a) Definitions.* For the purposes of this order:

(1) "Commercial dishwasher" means any new mechanical device designed for washing dishes, cutlery, glassware or kitchen utensils in establishments where

food is prepared for consumption or sale on the premises. The term does not include dishwashers designed for domestic use.

(2) "Ultimate consumer" means any person who uses a commercial dishwasher for washing dishes, cutlery, glassware and kitchen utensils.

(3) [Deleted June 7, 1944]

(4) [Deleted June 7, 1944]

(5) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(b) *Restrictions on production.* (1) No person shall produce any commercial dishwashing equipment except:

(i) For delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration; or

(ii) As authorized by the War Production Board on Form GA-1850.

(2) The restrictions of paragraph (b) (1) do not apply to the production of repair and replacement parts. However, no person shall produce repair or replacement parts in excess of the quantity required to maintain a minimum practicable working inventory.

(3) A person wishing to produce commercial dishwashing equipment which will not be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, should apply for authorization by letter addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-248. This letter should give all pertinent information with respect to proposed production. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by application on Form CMP-4B for the controlled materials.

(4) Production will be authorized so that the total production will not exceed the approved War Production Board program and so that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant, or in any other plant located in the same area. This program calls in each calendar quarter for production by the industry as a whole of not more than 23% of the aggregate production of the industry in the year 1941, in addition to production of repair and replacement parts and of equipment to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration. Individual authorizations will be issued in amounts sufficient to carry out this program.

(c) *Restrictions on delivery.* No manufacturer, distributor, or dealer may deliver or accept delivery of new commercial dishwashers except as follows:

(1) To fill orders of or for ultimate delivery to the Army,¹ Navy, Maritime

Commission or War Shipping Administration, or to any agency of the United States Government placing orders for equipment to be delivered to, or for the account of, any other country under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or to fill orders authorized by the Maritime Commission on Form WPB-646.

(2) For approved installation in a building or project authorized by any order of the P-19 series or Form CMPL-224 or Form GA-1456, or in the P-55 series on Form WPB-2896.

(3) As approved by the War Production Board on Form WPB-1319. The ultimate consumer should apply to the Plumbing and Heating Division, War Production Board, Washington 25, D. C., on this form, describing the equipment to be delivered. The War Production Board will return a copy to him with its approval or denial of the application indicated. If approval is granted, the ultimate consumer may certify by endorsement on his purchase order in the standard form prescribed in Priorities Regulation 7, adding the serial number of authorization on Form WPB-1319 he has received, or, if he prefers, he may certify as follows:

The War Production Board has authorized me to accept delivery on this order, under the terms of Order L-248 (and L-182) with which I am familiar. Delivery approved on Form WPB-1319, serial number -----

(Consumer)

A dealer or distributor receiving an order so certified may obtain delivery of equipment to fill the order if he endorses a similar certificate unless he knows or has reason to believe it to be false. A dealer or distributor who wants to buy for inventory must also apply on Form WPB-1319, filed with the Plumbing and Heating Division, War Production Board, Washington 25, D. C., indicating the manufacturer of the product he wishes to buy. If his application is approved, the procedure to be followed is the same as set forth above with respect to consumers' applications except that he may buy only the product of the manufacturer indicated. Applications for equipment under this order and Order L-182 may be made on a single Form WPB-1319.

(4) Delivery of repair parts may be made as limited in Order L-79.

(5) A dealer or distributor may make delivery to another dealer or distributor or to a manufacturer.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial dishwashers.

(e) *Simplified practices.* No person shall manufacture, fabricate or assemble any commercial dishwasher designed for washing cutlery, glassware or kitchen utensils exclusively. No person shall manufacture, fabricate or assemble any other type of commercial dishwasher except in accordance with the specifications and practices given below in this paragraph. However, this paragraph does not revoke or modify the terms of any appeal granted under this order.

(1)

Minimum capacity (dishes per hour)	Maximum content exclusive of motor, switches and wiring (pounds)		Maximum motor size (h. p.)
	Iron and steel	Copper base alloy	
1,500.....	500	18	3/4
3,500.....	500	22	2
6,000.....	1,150	35	3

(2) Body (hood and tanks) shall be manufactured of not heavier than 10 gauge black iron or 14 gauge galvanized iron.

(3) No thermostatic controls shall be used.

(4) Spray pipes, feed pipes, and other piping shall be galvanized iron.

(5) To the extent that copper base alloy castings are permitted by this order, the alloy shall be of a type and grade in the production of which the use of refined copper or refined tin is not necessary.

(6) No metal other than iron, steel, aluminum, magnesium or copper base alloy shall be used, except zinc for coating or spraying, and metal necessary for assembling or installing.

(f) *Exceptions from simplified practices.* None of the restrictions in paragraph (e) shall apply to commercial dishwashers manufactured to specifications of the Army, Navy, Maritime Commission or War Shipping Administration of the United States for use on ships.

(g) *Reports.* Every manufacturer of any commercial dishwashers who has an inventory of such equipment, either new or used, shall execute and file with the War Production Board on or before the 10th day of each calendar quarter a report on Form WPB-1509 (formerly PD-638), which may be obtained from the nearest field office of the War Production Board. Reports under this order and Order L-182 may be made on a single Form WPB-1509. The Bureau of the Budget has approved the reporting requirements of this order in accordance with the Federal Reports Act of 1942.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the production or delivery of commercial dishwashers to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture, fabricate or assemble any commercial dishwashers designed for washing cutlery, glassware or kitchen utensils only, and any person who wants to produce more commercial dishwashers than he has been authorized to make on Form GA-1850 (including a person who has no authorization) may apply for per-

¹ Under Interpretation 1 to the preceding version of this order, material for Army Pre-Flight training schools, to be owned privately and not by the Army, could not be delivered without War Production Board approval. This is still true.

mission to do so as explained in Priorities Regulation 25. He may still, of course, apply for authorization under paragraph (b) (3) if he desires.

(2) *Appeals.* Any appeal from the provisions of this order, other than the quota restrictions of paragraph (b) or the prohibition of paragraph (e) against the manufacture of dishwashers designed for washing cutlery, glassware or kitchen utensils exclusively, should be filed on Form WPB-1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the quota restrictions of paragraph (b) or the prohibition of paragraph (e) against the manufacture, fabrication or assembly of commercial dishwashers designed for washing cutlery, glassware or kitchen utensils exclusively.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington (25), D. C., Ref: L-248.

(l) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing and using, materials under priority control and may be deprived of priorities assistance.

(m) [Deleted Aug. 29, 1944.]

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13109; Filed, August 29, 1944;
11:52 a. m.]

PART 3290¹—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L-282 as
Amended Aug. 29, 1944]

FISH NETTING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fish nets for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.176¹ *General Limitation Order L-282—(a) Applicability of regulations.*

¹ Formerly Part 3229, § 3229.1.

This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For purposes of this order.

(1) "Seine twine" means any type of cabled or hawser laid twine of cotton, or other materials, customarily used in the production of netting.

(2) "Commercial fish netting" means any type of netting used by commercial fisherman for the taking of fish (including shell fish) or for the taking of bait (except bait for sport fishing).

[Note: Paragraph (3) formerly (2) redesignated Aug. 29, 1944.]

(3) "Military order" means an order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the governments of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, or Yugoslavia, or the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(c) *Restriction on production and sales.* (1) No person who produces during any calendar month more than 100 pounds of netting made of seine twine shall produce (either by machine or by hand), or process in any stage of production, any netting except

(i) That required to fill specific military orders for camouflage netting; or

(ii) Commercial fish netting.

(2) No such person shall sell or deliver any netting which he knows or has reason to believe will be used for any purpose other than camouflage or for the taking of fish or bait for commercial purposes.

(d) [Deleted Aug. 29, 1944.]

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Reports.* All producers of fish netting shall on or before the 10th day of each calendar month file Form WPB-2695 as specified in said form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Records.* All producers of fish netting shall preserve such records for not less than two years as will clearly and adequately indicate his compliance with this order.

(h) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref.: L-282.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13113; Filed, August 29, 1944;
11:53 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Direction 3]

CHILDREN'S SNOW SUITS PLAN NO. 1

The following direction is issued pursuant to Conservation Order M-328B:

1. The time within which persons who were assigned a preference rating under Children's Snow Suits Plan No. 1 of Schedule A are required to purchase materials for which a preference rating was assigned and to produce and accept and fill orders for the garments they are required to manufacture from such materials is hereby extended to December 15, 1944.

2. All individual directions heretofore issued under the above mentioned special program are hereby amended to conform with the above.

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-13116; Filed, August 29, 1944;
11:53 a. m.]

Subchapter C—Director, Office of War Utilities

Authority: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3668, 3696; Pri. Reg. 1 as amended May 16, 1943, 8 F.R. 6727.

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-7, as Amended Aug. 29,
1944]

NATURAL GAS

Whereas, increased gas requirements for war production and civilian uses, coupled with scarcity of materials for the construction of pipelines and other facilities, have resulted in shortages of nat-

ural gas in certain areas of the United States and are threatened in others; during periods of adverse weather conditions the demand for natural gas in almost all areas increases beyond the capacity of existing facilities to meet such demands; and the following order is deemed necessary to conserve existing reserves of natural gas and to safeguard deliveries to war industries and essential civilian services, and in other respects is necessary and appropriate in the public interest and to promote the war effort:

§ 4500.10 *Utilities Order U-7*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Natural gas" means any combustible natural gas or gases and fuel gas derivatives of natural gases, fuel gas derivatives of petroleum produced as by-products in the production, refining or processing of petroleum, or mixtures of any of the aforesaid gases with blue gas, carburetted water gas, coke oven gas, producer gas, blast furnace gas, oil gas, or any other manufactured gas; but does not include liquefied petroleum gas in the liquid phase.

(3) "Utility" means any person supplying natural gas for general use by the public.

(4) "Non-utility supplier" means any person supplying or capable of supplying natural gas or who owns or operates natural or manufactured gas production, transmission, or distribution facilities and who is not included in the definition of "utility" in paragraph (a) (3): *Provided*, That no person engaged in the production, refining or processing of petroleum or natural gas shall be considered a non-utility supplier, except as to the use or disposition of natural gas as a combustible fuel gas after completion of such production, refining or processing.

(5) "Consumer" means any ultimate user of gas produced, transmitted or distributed by any "utility" or "non-utility supplier", including any utility or non-utility supplier which is itself an ultimate user of gas.

(6) "Stand-by facilities" means equipment capable of utilizing electrical energy, oil, coal or any other fuel or energy to replace natural gas and for the operation of which a supply of such fuel or energy is obtainable or could have been obtained in the exercise of reasonable diligence.

(7) "Premises" means any building or structure and its adjuncts: *Provided*, That in the case of "consumer" who receive deliveries of gas for the operation of equipment not contained within a building, any delivery point and the confines of the area supplied with natural gas from such delivery point shall be deemed a "premises".

(8) "Residential consumer" means any "consumer" receiving natural gas for the operation of space heating, hot water heating, cooking or refrigeration equipment used for residential purposes,

where the total input capacity of the space heating equipment does not exceed 250,000 B. T. U. per hour.

(9) "Non-residential consumer" means any "consumer" other than a residential consumer as defined in (a) (8).

(b) *Integration of gas system operations.* (1) Each utility or non-utility supplier shall, as far as practicable, so operate and maintain its transmission, storage, distribution and gas manufacturing facilities as to achieve maximum deliverability of natural gas in any area or areas in which a shortage exists or is imminent and to conserve existing gas reserves; and no utility or non-utility supplier shall abandon any such facilities except upon specific authorization of the War Production Board. Where necessary for such purposes, the War Production Board may, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage and distribution facilities.

(2) Each utility or non-utility supplier shall maintain in operating condition all gas manufacturing facilities owned or operated by such utility or non-utility supplier which were in operating condition on November 12, 1942. Each utility or non-utility supplier shall repair and maintain in operating condition such other facilities including gas manufacturing facilities owned or operated by such utility or non-utility supplier as the War Production Board may, from time to time, direct. Wherever repair and maintenance of gas facilities requires the use of materials in excess of those available under any order issued by the War Production Board, application for authority to use or acquire such materials should be made to the War Production Board in accordance with established procedures.

(3) The War Production Board may, from time to time, issue specific directions respecting the delivery of natural gas from one utility or non-utility supplier to another or to any consumer, and respecting the interconnection of any facilities; and no utility or non-utility supplier shall deliver or accept or fail to deliver or accept deliveries of gas or fail to interconnect facilities in violation of any such direction. Subject to such directions and to the provisions of paragraph (b) (5), each utility or non-utility supplier shall so interchange natural gas with its interconnected utilities or non-utility suppliers as to achieve, directly or indirectly, the maximum deliverability in any area or areas in which a shortage exists or is imminent.

(4) Upon specific direction of the War Production Board, utilities or non-utility suppliers shall curtail gas deliveries to specified classes of consumers on their systems if necessary in order to make available gas for delivery to utilities or non-utility suppliers on whose systems there exists a shortage which adversely affects or threatens service to war producers or other essential consumers. Any utility or non-utility supplier may request the War Production Board to direct another utility or non-utility supplier to deliver gas to it, on the ground that such delivery will safeguard service

to war producers or essential consumers, or will otherwise be in the interest of the war effort.

(5) No utility shall deliver natural gas to any other utility or non-utility supplier not theretofore regularly supplied by such utility (except emergency deliveries to relieve a shortage resulting from the failure or breakdown of gas production, transmission or distribution facilities), without specific approval of the War Production Board. Any utility making such emergency deliveries shall report directly to the War Production Board, Office of War Utilities, Natural Gas Division, Ref.: U-7, the nature of the emergency and the amount and duration of such deliveries.

(6) Each non-utility supplier in any area served by any utility with which such non-utility supplier is interconnected or is capable of being interconnected, shall upon notice from the War Production Board so order its operations as to make available to such utility, or to any essential war producer or other consumer, all natural or manufactured gas which it is capable of producing or supplying in excess of the minimum requirements of its own essential operations. Any non-utility supplier which on October 1, 1943 was supplying natural gas to a utility in an area in which a shortage exists or is imminent shall not discontinue deliveries to such utility without the approval of the War Production Board, unless it is no longer capable of making such deliveries, or pursuant to the provisions of paragraph (c) (1).

(c) *Operations during gas shortages.* (1) In the event of an existing or imminent gas shortage in any area, each utility or non-utility supplier supplying such area shall conduct its operations and reduce deliveries to non-residential consumers in accordance with the following schedule, subject to such further or special directions as the War Production Board may from time to time issue: *Provided*, That to the extent, if any, required by the emergency nature of the shortage such utility or non-utility supplier may, in the first instance, reduce deliveries without regard to such schedule, but shall, as soon as possible thereafter, readjust its operations and deliveries to conform in all respects to such schedule during the continuance of the gas shortage period. The utility or non-utility supplier shall:

(i) First, within the limit of contractual rights, reduce deliveries to all consumers purchasing natural gas under contracts permitting the supplier to interrupt deliveries: *Provided*, That deliveries of gas to exempted consumers, as defined in paragraph (c) (6), shall be reduced only to the extent that the fuel requirements of such consumers can be supplied from the consumers' stand-by facilities: *And provided*, That deliveries shall be maintained to any consumer to the minimum extent necessary to prevent permanent damage to production and service facilities, except that such deliveries shall be interrupted under paragraph (c) (1) (v) below.

(ii) Second, if such action has not previously been taken, operate utility's or

non-utility supplier's stand-by gas manufacturing facilities up to their maximum operating capacity: *Provided*, That any utility may request the War Production Board to direct the operation of specific consumer stand-by facilities (in addition to those provided above) prior to the operation of such utility's stand-by manufacturing facilities, upon the ground that such action would relieve the gas shortage more expeditiously, or with less use of critical fuels, or would otherwise be in the interest of the war effort.

(iii) Third, reduce deliveries without regard to the supplier's contractual rights or those of any consumer to all remaining consumers having stand-by facilities, to the extent of the capacity of stand-by facilities.

(iv) Fourth, if such action has not previously been taken, notify all domestic and other consumers by radio, newspaper, or any other available means of general communication, that a temporary gas emergency in the area exists or is imminent and appeal for the immediate institution of voluntary curtailment by all gas consumers, to be maintained until notification that the emergency has passed.

(v) Fifth, interrupt deliveries within the limits of contractual rights to any consumers purchasing gas under contracts permitting the supplier to interrupt deliveries, who have not been fully curtailed under previous steps: *Provided*, That deliveries of gas to exempted consumers shall be reduced only to the extent that the full requirements of such consumers can be supplied from the consumers' stand-by facilities.

(vi) Sixth, reduce deliveries to all consumers not fully curtailed under previous steps, without regard to the supplier's contractual rights or those of any consumer or the non-existence of stand-by facilities: *Provided*, That deliveries of gas to exempted consumers shall be reduced only to the extent that the full requirements of such consumers can be supplied from the consumers' stand-by facilities.

(vii) Seventh, reduce deliveries to exempted consumers on a uniform proportionate basis so far as practicable pending receipt of special directions from the War Production Board.

(2) A "gas shortage" shall be deemed to exist whenever (i) a utility or non-utility supplier finds it necessary to reduce deliveries to its consumers, or (ii) the utility or non-utility supplier is able to maintain full deliveries to all consumers only by excessive withdrawals from storage or reserves which impair its ability to meet its forthcoming peak-day requirements to the usual extent, or (iii) the War Production Board notifies a utility or non-utility supplier that it considers a shortage to exist on such system.

(3) Deliveries to residential consumers during gas shortages shall be made pursuant to such directions as the War Production Board may from time to time issue: *Provided*, That any utility may at any time submit to the War Production Board a practicable program for the curtailment of its domestic consumers during such gas shortages and request

that it be declared operative by the War Production Board among consumers of such utility.

(4) Except as set forth in the proviso of the first paragraph of paragraph (c) (1), or pursuant to special directions of the War Production Board, deliveries to any consumer in the respective groups defined above in paragraphs (c) (1) (i) to (c) (1) (vii) inclusive, shall not be reduced until deliveries to all consumers in prior groups have been fully suspended in accordance with the specific provisions of such paragraph: *Provided*, That deliveries to consumers in any group who consume less than 3000 mcf of gas per month need not be suspended before commencing curtailment of successive groups where such consumers are scattered or for other reasons not susceptible of speedy curtailment. Reductions to consumers defined in paragraph (c) (1) (i) shall be on such basis as will relieve the shortage most expeditiously; reduction to consumers within all groups defined in paragraph (c) (1) (iii) to (c) (1) (vii) inclusive shall so far as practicable be made on a uniform proportionate basis: *Provided*, That any utility or non-utility supplier may request the War Production Board to approve a specific program for such interruptions within any class of consumers, on a geographic or other basis which will relieve gas shortages more expeditiously.

(5) Each utility or non-utility supplier shall classify each of its non-residential consumers subject to probable curtailment within the applicable grouping set forth in paragraphs (c) (1) (i) to (c) (1) (vi), inclusive. Certain utility or non-utility suppliers will be required by the War Production Board to submit such a classification of non-residential consumers using 3000 MCF or more per month on Form WPB-619, together with the other data relative to operations during shortages required by such form. Only the War Production Board can classify consumers as "exempted consumers". Unless modified or revised by direction of the War Production Board, such consumer classification lists submitted on Form WPB-619 shall determine the grouping of each consumer in the application of the curtailment schedule set forth in paragraph (c) (1). At the direction of the War Production Board specific consumers or classes of consumers may at any time be classified in any of the groups defined in paragraphs (c) (1) (i) to (c) (1) (vii), inclusive, or in any special group, without regard to size, nature, or terms of delivery, whenever such action will assist in relieving gas shortage more expeditiously, or with less use of critical fuels, or in other respects will be in the interest of the war effort.

(6) An "exempted consumer" means a non-residential consumer whose operations have been determined by the War Production Board to be so important that an interruption of gas deliveries would seriously impair the war effort. The War Production Board will from time to time provide each supplier with a list of the exempted consumers on its system.

(7) Whenever, pursuant to any of the provisions of this order, or any special direction of the War Production Board, a utility or non-utility supplier is required to reduce deliveries to any consumer, it shall notify such consumer accordingly. Upon receipt of such notification each consumer shall reduce his acceptance of gas deliveries in accordance therewith.

(8) Notwithstanding any provisions of this order, if the War Production Board, after investigation, shall determine that any consumer having stand-by facilities, has failed to provide himself with an adequate supply of fuel for the operation of such stand-by facilities despite the availability of such fuel, the War Production Board may prohibit deliveries of gas to, and acceptances of gas by, such consumer to the extent that his requirements of gas could have been decreased through the operation of such stand-by facilities.

(9) The following reports shall be filed with the War Production Board relative to gas shortages:

(i) Whenever any utility or non-utility supplier reduces deliveries of gas to any consumer pursuant to paragraph (c) (1) (v) above or any subsequent subparagraph of (c) (1), such utility or non-utility supplier shall immediately notify the War Production Board, Office of War Utilities, Natural Gas Division, Ref.: U-7, by telegram, of the extent of such reduction.

(ii) On or before the 15th day of each month following a calendar month during which reductions in delivery have occurred, each affected utility or non-utility supplier shall submit a report on Form WPB-620 of the aggregate volumes of natural gas conserved by such reductions in delivery and the volumes of natural gas replaced by consumer stand-by facilities and by utility or non-utility supplier gas manufacturing stand-by facilities.

(iii) On or before the 15th day of each month, each utility or non-utility supplier in certain areas specifically designated by the War Production Board shall submit on Form WPB-2077 a report of natural gas underground storage operations, summarizing such operations for the calendar month preceding the date of reporting.

(d) *Restrictions on deliveries of natural gas to non-residential consumers.*

(1) No utility or non-utility supplier shall deliver natural gas to any non-residential consumer for the operation of any gas-fired equipment (including space heating equipment) and no non-residential consumer shall accept such deliveries, in any area listed on Exhibit B or Exhibit C, except in cases described in paragraphs (d) (2) or (d) (3) below, or unless:

(i) Such equipment was installed and in regular operation at the same premises prior to November 30, 1942: *Provided*, Deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31, or

(ii) Such equipment was converted from some other fuel to natural gas, and such conversion was completed and in regular operation at the same premises

prior to November 30, 1942: *Provided*, That deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31, or

(iii) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed and regularly operated at the same premises for the same purposes: *Provided*, That non-space heating equipment is not replaced with space heating equipment, or

(iv) Such deliveries have been specifically approved by the War Production Board: *Provided*, That deliveries of natural gas may be made where necessary for the operation of oil well or gas well drilling equipment.

(2) In any area listed on Exhibit B, a utility or non-utility supplier may deliver and any non-residential consumer may accept deliveries of natural gas for the operation of any gas-fired equipment when all of the following conditions are met:

(i) The aggregate input capacity of such equipment plus the aggregate input capacity of all other gas-fired equipment installed on the premises of the consumer since March 1, 1942 is less than 500,000 Btu per hour;

(ii) Such equipment is not used primarily for space heating purposes;

(iii) Such equipment cannot, for technological reasons, utilize fuel other than natural gas or liquefied petroleum gases;

(iv) Such equipment does not replace, and is not intended to replace, equipment utilizing fuels other than natural gas;

(v) Such equipment has not been converted from some other fuel to natural gas unless such conversion was completed prior to November 1, 1943, at the same premises and deliveries of natural gas for the operation thereof were not prohibited prior to that date.

(3) In any area listed on Exhibit C, a utility or non-utility supplier may deliver and any non-residential consumer may accept deliveries of natural gas for the operation of any gas-fired equipment when all of the following conditions are met:

(i) The aggregate input capacity of such equipment plus the aggregate input capacity of all other gas-fired equipment installed on the premises of the consumer since March 1, 1942 is less than 1,500,000 Btu per hour;

(ii) Such equipment is not used primarily for space heating purposes;

(iii) Such equipment does not replace, and is not intended to replace, equipment utilizing a fuel other than natural gas;

(iv) Such equipment has not been converted from some other fuel to natural gas unless such conversion was completed prior to November 1, 1943, at the same premises and deliveries of natural gas for the operation thereof were not prohibited prior to that date.

(4) The War Production Board may, by specific direction, establish monthly delivery quotas, limit increases in or require decreases of the monthly volume of natural gas which may be delivered to or accepted by any non-residential consumer in certain gas shortage areas, whenever it is determined that such

action is necessary or appropriate; and upon the issuance of such directions no person shall make or accept deliveries which are not in conformance therewith.

(e) *Restrictions on deliveries of natural gas to residential consumers.* No utility or non-utility supplier shall deliver to any residential consumer, and no residential consumer shall accept delivery of natural gas for the operation of any space heating equipment, in any area listed on Exhibit B or Exhibit C unless:

(1) In any area listed on Exhibit B:

(i) Such equipment was installed and in regular operation at the same premises prior to December 2, 1942: *Provided*, That deliveries of natural gas for the operation of such equipment were not prohibited prior to the same date by Limitation Order L-31; or

(ii) Such equipment was converted from some other fuel to natural gas, and such conversion was completed and in regular operation at the same premises prior to December 2, 1942: *Provided*, That deliveries of natural gas for the operation of such equipment were not prohibited prior to the same date by Limitation Order L-31; or

(iii) In the case of new construction, such equipment was specified in the construction contract and was installed prior to March 1, 1943: *Provided*, That deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31; or

(iv) Such equipment replaces gas-fired equipment of equal or greater input capacity installed and regularly operated at the same premises, whether by the same or another consumer; or

(v) Such deliveries have been specifically approved by the War Production Board.

(2) In any area listed on Exhibit C, any of the five conditions set forth in (e) (1) above exists, or the utility, after investigation, certifies on the applicant's Form WPB-3314 that

(i) The equipment was installed in new residential premises whose foundation was completed after May 31, 1944; or

(ii) The existing heating equipment using a fuel other than natural gas has become worn out or unavoidably damaged beyond repair.

(3) In any area listed on Exhibit B or Exhibit C, the utility certifies that on the basis of information submitted by applicant on Form WPB-3314, the case falls into one of the following categories:

(i) Applications from persons transferring from one place of residence to another, who have owned gas-fired equipment which had been installed in the previous premises where its operation was permissible under Limitation Order L-31 or Utilities Order U-7: *Provided*, That the new premises in which the equipment is to be installed are piped for gas and are not presently equipped with other space-heating equipment capable of utilizing a fuel other than natural gas.

(ii) Applications from persons moving into residential premises not equipped with any space-heating equipment, and which can be heated only by gas-fired

equipment either because the premises lack flues or fuel storage facilities necessary for the operation of space-heating equipment utilizing a fuel other than natural gas, or because such alternative equipment as would be practicable is not procurable in the locality.

(iii) Applications from persons moving into residential premises already piped for gas, whether or not such premises are equipped with other space-heating equipment, in cases where the applicant owns a room-size space heater having an input capacity not in excess of 25,000 BTU per hour, which the applicant had owned and operated in the previous premises and the operation of which was permitted under Limitation Order L-31 or Utilities Order U-7. (This category does not apply in the State of California.)

(iv) Applications from persons owning or leasing a structure which has been, or is being, converted into dwelling units which have no space-heating facilities and cannot be practicably heated with equipment using a fuel other than natural gas: *Provided*, That the total input capacity of the equipment covered by the application plus the capacity of all other gas-fired space-heating equipment supplying the residential portion of the premises, does not exceed 250,000 BTU per hour.

(4) In any area listed on Exhibit B or Exhibit C an application is filed by the consumer with the utility supplier on Form WPB-3314 and is supported by the following certifications to and by the utility:

(i) A certification by the physician in attendance that the household has no member or employee physically able, or able without injury to health, to tend coal-fired heating equipment; and

(ii) A certification by the applicant on the Form WPB-3314 application that the hardship claimed cannot be relieved by a partial conversion to gas or the installation of an auxiliary single-room gas-fired heater or circulator; and

(iii) A certification by the utility on the Form WPB-3314 application that the case has been investigated, that the facts alleged by the applicant are correct and that it is not possible to alleviate the hardship claimed by installing auxiliary heating equipment using a smaller quantity of gas.

(f) *Conversions and prohibited installations.* (1) No person shall install or cause to be installed gas-fired equipment designed to receive deliveries of natural gas from any utility if such deliveries are prohibited by paragraphs (d) or (e) of this order.

(2) If the War Production Board, after investigation, shall determine:

(i) That the gas-fired equipment owned or operated by any person can, without exceptional expense or hardship to such person, be converted to the use of, or be replaced by equipment using, a less critical fuel of which a supply is available, and

(ii) That such conversion or replacement will contribute to the alleviation of actual or prospective gas shortages, or to the maintenance of gas deliveries to war

producers or essential civilian services, the War Production Board may upon sufficient notice to permit such conversion or replacement, prohibit further deliveries or acceptances of natural gas for the operation of such gas-fired equipment.

(g) *Conservation for war needs.* (1) When the War Production Board by special direction prohibits or limits the use of natural gas for specific purposes in order to safeguard essential gas supplies in the interest of the war effort, no person shall use, deliver, or accept natural gas in violation of restrictions thus established.

(2) The War Production Board may, from time to time, reclassify any area with respect to Exhibit B or Exhibit C whenever such action is in the interest of the war effort.

(h) *Appeals and applications.* (1) Any person affected by this order, or any direction issued thereunder, who considers that compliance therewith or the operation thereof would work an exceptional and unreasonable hardship, or would in other respects be prejudicial, may appeal for relief by letter to the War Production Board.

(2) Any person who considers that any reduction in or prohibition of deliveries of natural gas made, or proposed to be made pursuant to any provision of this order, or any direction issued thereunder, interferes or will interfere materially with war production or essential civilian service, may apply to the War Production Board for relief by letter communication setting forth all relevant details.

(3) In areas listed on Exhibit B or Exhibit C, applications for new deliveries of gas under paragraphs (d) and (e) shall be filed with the utility or non-utility supplier on Form WPB-3314.

(i) New deliveries to non-residential consumers which are clearly permissible under the provisions of paragraph (d) may be made by the utility without referring the application to the pipe line supplier or the War Production Board, but such applications shall be kept in the utility's file with the action taken indicated under Item 15 for inspection by the War Production Board. All other applications for new non-residential deliveries not clearly permissible under the provisions of paragraph (d) must be referred to the pipe line supplier for transmittal to the War Production Board after completion of Item 16 on Form WPB-3314.

(ii) New deliveries to residential consumers which are clearly permissible under the provisions of paragraph (e) may be made by the utility without referring the application to the pipe line supplier or the War Production Board but such applications shall be kept in the utility's file with the action taken indicated under Item 15 for inspection by the War Production Board. All other applications for new residential deliveries which are not clearly permissible under the provisions of paragraph (e) must be sent to the War Production Board for approval before deliveries can be made, but such applications need not be referred to the pipe line supplier for completion of Item 16 on Form WPB-3314.

(4) Any utility affected by this order which considers that the gas situation in its area warrants a change in classification with respect to Exhibits B and C may apply for such reclassification by a letter addressed to the War Production Board, Ref: U-7, stating the reasons therefor, including its system supply and demand data.

(i) *Reports and information.* (1) Each utility and non-utility supplier shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to consumers or to other utilities or non-utility suppliers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time request.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Office of War Utilities, Washington 25, D. C. Ref.: U-7.

(k) *Violations.* Any person who willfully violates any provision of this order or any direction issued hereunder, or who, in connection with such order or direction willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 29th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[NOTE: Exhibit A revoked August 4, 1944.]

EXHIBIT B

New York.
New Jersey.
Pennsylvania.
Maryland.
Virginia.
District of Columbia.
West Virginia.
Kentucky.
Ohio.
Indiana.
Michigan.
Wisconsin.

Illinois (only the area supplied by the Natural Gas Pipe Line Co. of America in the following counties: Boone, Bureau, Cook, De Kalb, Du Page, Grundy, Henry, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Livingston, McHenry, Ogle, Whiteside, Will, Winnebago, and the area supplied by the Panhandle Eastern Pipe Line Co. in the following counties: Adams, Champaign, Christian, Coles,

Crawford, Cumberland, De Witt, Douglas, Edgar, Elmhurst, Fulton, Greene, Knox, Lawrence, Logan, Macon, Macon, McLean, Morgan, Moultrie, Peoria, Platt, Pike, Richland, Sangamon, Scott, Shelby, Tazewell, Vermillion and McDonough).

Missouri (only the area supplied by the Panhandle Eastern Pipe Line Co.).

Wyoming (only the area supplied by the Mountain Fuel Supply Co.).

Utah.

California (only the area supplied by the San Diego Gas and Electric Co.).

EXHIBIT C

Arizona.

New Mexico (only the area supplied by the El Paso Natural Gas Co. in Hidalgo, Grant, Luna and Dona Ana Counties).

Colorado (only the area supplied by the Colorado Interstate Gas Co.).

Wyoming (only the area supplied by the Colorado Interstate Gas Co.).

Nebraska (only the area supplied by the Northern Natural Gas Co. and the Natural Gas Pipe Line Co. of America).

Iowa.

Minnesota.

Kansas (only the areas supplied in full or in part by one or more of the following companies: Cities Service Gas Co., Consolidated Gas Utilities Corp., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipeline Co., except the following counties: Finney, Grant, Haskell, Kearney, Morton, Seward, Stanton and Stevens).

Oklahoma (only the area supplied by the Cities Service Gas Co.).

Missouri (except the area supplied by the Panhandle Eastern Pipe Line Co.).

Arkansas (only the area supplied by the Mississippi River Fuel Corporation).

Illinois (except the area supplied by the Natural Gas Pipe Line Co. of America in the following counties: Boone, Bureau, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Livingston, McHenry, Ogle, Whiteside, Will, Winnebago and Henry, and the area supplied by the Panhandle Eastern Pipe Line Co. in the following counties: Adams, Champaign, Christian, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Elmhurst, Fulton, Greene, Knox, Lawrence, Logan, Macon, Macon, McLean, Morgan, Moultrie, Peoria, Platt, Pike, Richland, Sangamon, Scott, Shelby, Tazewell, Vermillion and McDonough).

Tennessee.

Mississippi (only the area supplied by the Southern Natural Gas Co.).

Alabama (only the area supplied by the Southern Natural Gas Co.).

Georgia (only the area supplied by the Southern Natural Gas Co.).

California (except the area supplied by the San Diego Gas and Electric Co.).

South Dakota (only the area supplied by the Northern Natural Gas Co.)

[F. R. Doc. 44-13103; Filed, August 23, 1944; 11:52 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES [MPR 539-A]

CUSTOM MILLING AND KILN DRYING OF NORTHEASTERN SOFTWOODS

In the judgment of the Price Administrator, the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended,

and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.* Such specifications and standards as are used in this regulation were, prior to such use in general use in the industry affected.

MAXIMUM PRICE REGULATION 539-A—CUSTOM MILLING AND KILN DRYING OF NORTHEASTERN SOFTWOODS

Sec.

1. Higher than maximum prices prohibited.
2. What is Northeastern softwood lumber.
3. What is "custom milling service".
4. What is a custom mill.
5. Invoicing and records.
6. Services not listed.
7. No quantity limitations.
8. Transportation charges.
9. Enforcement.
10. Licensing.
11. Geographical applicability.
12. Maximum prices.

AUTHORITY: Secs. 1 to 12, inclusive, (§ 1499.2267) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. Sales of custom milling or custom kiln drying services on Northeastern softwood lumber at higher than maximum prices prohibited. (a) On and after September 2, 1944, no person shall sell or provide, and no person shall buy or receive in the course of trade or business, any "custom milling service", defined in section 3 below, on Northeastern softwood lumber, at prices higher than the maximum prices set by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may of course be charged and paid.

Sec. 2. What is Northeastern softwood lumber. "Northeastern softwood lumber" under this regulation means any lumber which on sales by the sawmill is subject to RMPR 219¹ (Northeastern Softwood Lumber).

Sec. 3. What is "custom milling service". Under this regulation "custom milling" means only the operations specifically priced under section 12 performed, in the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, or Rhode Island, as a service for others, upon lumber in which the person performing these services has no financial interest.

Sec. 4. What is a custom mill. Even though the services you perform may meet the definition of "custom milling" above, this regulation does not apply to you unless you qualify as a custom mill under this section.

(a) *General.* A custom mill is one which performs custom milling services upon lumber subject at mill level to RMPR 219, and which:

(1) Does not operate as a "mill" under the definitions contained in RMPR 219.

(2) Does not own or control, is not owned or controlled by, and is not under common control with a "mill" producing the species covered by RMPR 219.

(b) *Operation not qualifying under paragraph (a) may get special permission.* If you do not qualify as a "custom mill" under paragraph (a) above, you may under certain special conditions get authority to operate under this regulation. The rules covering this are as follows:

(1) An application must be filed with the OPA Regional Office for the region in which the applicant's mill is located. This application must show:

(i) The location of the plant, with a description of the physical lay-out of operations in relation to any other activities relating to forest products carried on by the applicant wherever located.

(ii) The extent of ownership or control of or by any other operations relating to forest products, or of common ownership or control, giving name, location, and nature of the other operations.

(iii) Applicant's milling facilities, and the capacity thereof in MBM per day, together with a statement of total footage in rough boards and rough or surfaced dimension, plank and timbers, and of green or partially dry lumber in these sizes, sold during the 30 day period preceding date of application.

(iv) Any other information the applicant may wish to submit.

(2) Special authorization under this paragraph (b) will be granted only where the application enables the Regional Office to make findings that the authorization:

(i) Will result in a greater production of surfaced boards or kiln dried lumber.

(ii) Will not encourage producing sawmills having remanufacturing and kiln drying facilities to ship their lumber, green, partially dry, rough, or in thicknesses over 1".

(iii) Will provide necessary milling services which cannot reasonably be supplied by producing mills, or by custom mills qualifying under paragraph (a).

(iv) Will not result in unnecessarily increasing the cost of finished lumber to the ultimate consumer.

In granting the authority, the Regional Office may make such limitations and conditions as to duration of the authority, quantity or lumber to be milled, etc., as may be appropriate and consistent with the above findings. The

authorization may be granted, or the application denied, by letter or telegram.

(c) Unless the operation qualifies, or is specially authorized, as a "custom mill" under paragraphs (a) or (b) above, its maximum prices for custom milling of Northeastern softwood lumber are the charges set forth as additions for workings in RMPR 219.

Sec. 5. Invoicing and records. Invoices must show the species, size, condition, and workings of the lumber before and after milling, with a detailed description of all services performed thereon for which a charge is made. Copies of invoices, or similar records, must be kept at the place where the custom milling is performed, available for examination by the Office of Price Administration. These records must be kept for two years.

Sec. 6. Services not listed. If a custom mill is required to perform a service for which prices are not specifically provided, these services are still under Maximum Price Regulation 165.

Sec. 7. No quantity limitations. The maximum prices set forth in this regulation apply to all transactions regardless of the quantity of lumber involved.

Sec. 8. Transportation charges. No service charge may be made by a custom mill for the arrangement of transportation of lumber or advancement of freight charges thereon.

Sec. 9. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

Sec. 10. Licensing. The provisions of Licensing Order No. 1,² licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not during the period of suspension, make any sale for which his license has been suspended.

Sec. 11. Geographical applicability. This regulation applies to services performed in the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island.

Sec. 12. Maximum prices. The maximum prices per one thousand feet board measure for custom milling and custom kiln drying of lumber which on mill sales is subject to RMPR 219, are as follows:

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 1663, 4604.

² 8 F.R. 13240.

TABLE 1—CUSTOM MILLING—ALL GRADES, GREEN OR DRY

	1x8"	1x4"	1x6"	1x6"	1x7" to 6"	1x10" to 14"	R. W. 1x8" to 14"
S1S-S1E-S2S or S2E.....	\$4.00	\$3.50	\$3.00	\$2.75	\$2.00	\$2.00	\$2.25
S1S1E-S1S2E-S2S1E-S4S or S/L.....	5.00	4.50	4.00	3.75	3.00	3.00	3.25
D. and M. add to S4S.....	.50	.50	.70	.70	.70	.70	.50
Novelty siding (patterns No. 105 and No. 106) add to S4S.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Beading 1 side, add to D. & M.....	.50	.50	.50	.50	.50	.50	.50
For surfacing only (no resawing or ripping) add.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Resawing—1 line.....	5.00	4.50	4.00	3.75	3.00	3.00	3.25
Resawing each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
Ripping—1 line.....	5.00	4.50	4.00	3.75	3.00	3.00	3.25
Ripping each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
For resawing or ripping 1 line only—no surfacing—add to 1 line price.....	.50	.50	.50	.50	.50	.50	.50
For clipping to exact length.....	.25	.25	.25	.25	.25	.25	.25
Sorting for width if necessary for surfacing on edges.....	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Bundling.....	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Grading, marking and tallying after remilling (applicable only when all three services performed).....	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading open cars or trucks ¹	2.00	2.00	2.00	2.00	2.00	2.00	2.00
For closed-type cars add to open-car charge ¹	1.00	1.00	1.00	1.00	1.00	1.00	1.00

¹May not be used more than once on any order.

NOTE 1. Thickness. 5/4" and 6/4" take same prices as 1" stock.

TABLE 2—CUSTOM MILLING—ALL GRADES, GREEN OR DRY

	2x3"	2x4"	2x6"	2x6"	2x7"-5"	2x10"-14"	R. W. 2x3" to 14"
S1S-S1E-S2S or S2E.....	\$4.00	\$3.50	\$3.00	\$2.75	\$2.00	\$2.00	\$2.25
S1S1E-S1S2E-S2S1E-S4S or S/L.....	5.00	4.50	4.00	3.75	3.00	3.00	3.25
D. and M. Add to S4S.....	.50	.50	.70	.70	.70	.70	.50
For beading 1 side Add to D. & M.....	.50	.50	.70	.70	.70	.70	.50
For surfacing only (no resawing or ripping) Add.....	.50	.50	.50	.50	.50	.50	.50
Resawing—1 line.....	4.50	4.00	3.50	3.00	2.50	2.50	2.75
Resawing each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
Ripping—1 line.....	4.50	4.00	3.50	3.00	2.50	2.50	2.75
Ripping each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
For resawing or ripping 1 line only (no surfacing) Add.....	.50	.50	.50	.50	.50	.50	.50
Clipping to exact length.....	.25	.25	.25	.25	.25	.25	.25
Sorting for width if necessary for surfacing on edges.....	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Grading, marking and tallying after remilling (applicable only when all three services performed).....	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading open cars or trucks ¹	2.00	2.00	2.00	2.00	2.00	2.00	2.00
For closed type cars add to open-car charge ¹	1.00	1.00	1.00	1.00	1.00	1.00	1.00

¹May not be used more than once on any order.

TABLE 3—CUSTOM MILLING—ALL GRADES, GREEN OR DRY

	3x3"	3x4"	3x6"	3x6"	3x7" to 6"	3x10" to 14"	R. W. 3x3" to 14"
S1S-S1E-S2S or S2E.....	\$4.00	\$3.50	\$3.00	\$2.75	\$2.00	\$2.00	\$2.25
S1S1E-S1S2E-S2S1E-S4S or S/L.....	5.00	4.50	4.00	3.75	3.00	3.00	3.25
Resawing—1 line.....	4.50	4.00	3.50	3.00	2.50	2.50	2.75
Resawing each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
Ripping—1 line.....	4.50	4.00	3.50	3.00	2.50	2.50	2.75
Ripping each additional line.....	2.50	2.50	2.00	2.00	1.75	1.75	1.75
Clipping to exact length.....	.25	.25	.25	.25	.25	.25	.25
Sorting for width if necessary for surfacing on edges.....	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Grading, marking and tallying after remilling (applicable only when all three services performed) Add.....	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Unloading, handling and reloading open cars or trucks ¹	2.00	2.00	2.00	2.00	2.00	2.00	2.00
For closed type cars, add to open car charge ¹	1.00	1.00	1.00	1.00	1.00	1.00	1.00

¹May not be added more than once on any order.

TABLE 4—CUSTOM KILN DRYING

Kiln drying, including all handling (unloading from cars, handling through kilns, and reloading cars, etc.)

Thinner than 10/4..... \$10.00
10/4 & 12/4 inc..... 12.00

GENERAL NOTES

1. Charges for additional lines of both resawing and ripping are based on original size of piece ripped or resawn.

2. Where surfacing is done following resawing and/or ripping surfacing charges shall be based on size or sizes of stock resulting from the resawing and/or ripping operation.

3. Where stock thinner than 1" is surfaced, resawn, or ripped, charges may be computed on surface measure. Where the first line of resawing reduces thickness to less than 1" additional lines may be figured on surface measure, instead of original size, as provided in Note 1.

4. Fractional or odd thickness: Use price of next thinner even size. Compute footage on actual rough measure.

5. Fractional or odd widths not listed: Use price of next listed width, either wider or narrower, whichever is lower. Compute footage on actual rough measure.

6. Prices on combination milling, such as ripping and resawing, must be computed on the cheapest method of producing the end product from the particular sizes remanufactured, regardless of how the custom mill actually produces the end product.

7. For milling quantities of less than 1,000 feet board measure of any size or operation, the charge for 1,000 feet may be made. For milling lots of not more than 5,000 feet where not part of a larger order, a charge of 50¢ per M feet may be made.

8. The custom kiln drying charges cover only standard grades as described in the official grading rules covering the various Northeastern softwoods subject to RMPE 219, when dried to ordinary commercial standards. Prices on drying special grades, or thicker than 12/4, or moisture content lower than standard will be given on application to the Office of Price Administration, Washington 25, D. C. The application must state the requested price, and contain a complete description of the item to be priced, including species, size, and the maximum moisture content allowed.

9. Customer must furnish accurate inbound piece tally on each shipment; otherwise custom mill may add 50¢ per M for tallying.

10. Where lumber is handled from car to car without processing, regular handling charges will apply.

Effective date. This regulation shall become effective September 2, 1944.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13050; Filed, August 23, 1944; 4:31 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 79]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

General Ration Order No. 5 is amended in the following respects:

1. Section 5.7 (a) is amended by changing the phrase "May-June 1944 and July-August 1944" to read "May-June, July-August, and September-October 1944."

2. Section 5.7 (d) (1) is amended by changing the words "May-June 1944 and July-August 1944" to read "May-June,

*Copies may be obtained from the Office of Price Administration.

*8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15483, 16787, 17483, 9 F.R. 401, 455, 632, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4647, 4873, 5041, 5232, 5584, 5826, 5915, 6103, 6504, 6623, 7167, 7250, 7705, 7770, 8242, 8313.

July-August and September-October 1944";

3. Section 5.7 (d) (2) is amended to read as follows:

(2) His application must be made, on OPA Form R-315, and must show his December 1942 use in pounds, of meats which still have a point value. (In giving that information he may give his best estimate if he does not have records, and indicate that the figures given are estimates.) If he used no such meats he need state only that he requests an adjustment under this section. A user who applied for this adjustment for the May-June 1944 period was not required to apply again to obtain the adjustment for the July-August 1944 period. However, any user who wishes to obtain this adjustment for the September-October 1944 period must apply under this section;

4. Section 5.7 (d) (4) is amended by changing the phrase "May-June or July-August 1944" to "May-June, July-August or September-October 1944."

This amendment shall become effective September 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; War Food Order Nos. 56, 58, 59, 61 and Supplement 1 thereto, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319, 9134, 9389)

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13098; Filed, August 29, 1944; 11:38 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,¹ Amdt. 80]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The first sentence of section 13.3 (i) is amended by changing "(a)" to "(e)".

This amendment shall become effective August 28, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684,

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 10002, 11479, 11380, 11676, 12403, 12483, 12557, 12744, 14472, 15486, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2252, 2287, 2476, 2789, 3030, 3075, 3340, 3577, 4704, 4196, 4393, 4647, 4873, 5041, 5232, 5684, 5826, 5915, 6108, 6628.

respectively; War Food Order Nos. 56, 58, 59, 61, and Supp. 1 thereto, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319, 9134, 9389)

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13046; Filed, August 28, 1944; 4:30 p. m.]

PART 1305—ADMINISTRATION

[GEN. RO 7,¹ Amdt. 11]

METHOD OF SURRENDER AND DEPOSIT OF RATION STAMPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 7 is amended in the following respects:

1. The words "and type" following the word "number" in the first sentence of section 1.3 are deleted.

2. The second sentence of section 1.3 is deleted.

This amendment shall become effective September 2, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. War Food Orders Nos. 56, 58, 59, 61 and 64, 8 F.R. 2005, 2251, 3471, 7093.)

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13092; Filed, August 29, 1944; 11:35 a. m.]

PART 1305—ADMINISTRATION

[Supp. Order 92,² Amdt. 2]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Supplementary Order No. 92 is amended in the following respect:

In § 1305.120 (a) subparagraph (2) is revoked and subparagraph (1) is amended to read as follows:

1. All goods covered by Maximum Price Regulation No. 11.³

This Amendment No. 2 shall become effective August 28, 1944.

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13047; Filed, August 28, 1944; 4:28 p. m.]

¹ 8 F.R. 2585, 2997, 4840, 6965, 11738, 16279, 16839, 9 F.R. 2287, 5216, 7704.

² 9 F.R. 7502, 9896.

³ MPR 11 (Fine Cotton Goods) 9 F.R. 2661.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33,¹ Amdt. 6]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 33 is amended in the following respects:

1. In § 1307.66 (b), Table II is amended to read as follows:

(2) TABLE II—BASE-GRADE YARNS
[Cents per pound]

Yarn numbers	Single	Ply
6s.....	38.70	41.00
8s.....	39.00	41.60
10s.....	39.75	42.25
12s.....	40.75	43.75
14s.....	41.75	45.25
16s.....	42.75	46.50
18s.....	43.75	47.75
20s.....	44.75	48.75
22s.....	46.00	50.00
24s.....	47.25	52.25
26s.....	48.75	54.25
28s.....	49.75	55.75
30s.....	51.00	57.00
32s.....	52.00	59.00
34s.....	53.00	60.50
36s.....	54.00	61.50
38s.....	55.75	63.75
40s.....	56.75	64.25
42s.....	58.00	66.50
44s.....	59.00	68.00
46s.....	61.75	69.75
48s.....	63.00	71.50
50s.....	65.00	73.00

2. In Table V of § 1307.68 (b) the premium of "10%" is changed to "9%" and the premiums of "5%" are changed to "4.5%".

This amendment shall become effective as of June 30, 1944.

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13048; Filed, August 28, 1944; 4:28 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 533-5,² Amdt. 1]

NORTHEASTERN LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 533-5 is amended in the following respects:

1. In section 10 (b), at the end of the paragraph, the following sentences are added: "Culls may be purchased at two-thirds of the No. 2 grade price by paying only for the net usable scale. If no price is provided for the No. 2 grade of log, culls may be purchased at one-half of the woods-run price by paying only for the net usable scale."

¹ 7 F.R. 7557, 8948, 10070; 8 F.R. 2345, 3520, 9750, 13497.

² 9 F.R. 5249.

2. In section 11 a new paragraph (d) is added, to read as follows:

(d) *General.* If a seller or a buyer wishes to charge or pay for extras, or to buy or sell a species or grade of logs for which maximum charges or prices are not specifically stated in the regulation or provided for in paragraphs (a), (b), or (c) above, he shall apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for approval of a maximum price. He must provide the following information:

(1) The requested price;
(2) A complete description of the item for which approval is desired:

(i) If a species of log, he shall supply a complete description of the grades and the grading rules pertaining to the species;

(ii) If an extra, a description of the service performed or the thing for which an extra charge is to be made.

(3) An explanation of the method that he used in computing his requested price.

(4) Why he believes that this price will not be out of line with the maximum prices established in the regulation.

As soon as request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made until a price has been approved by the Office of Price Administration. Such approval may be made by telegram or letter.

3. Section 13 (c) (2) (iv) is amended to read as follows:

(iv) *Exception.* When white birch Select and No. 1 logs are sorted and sold as an individual species in Grafton County, Carroll County, Belknap County and that portion of Merrimack County north of the Boston and Maine R. R. in New Hampshire, the Select and No. 1 grades can include 8" and up logs as well as logs above the minimum diameter set forth for the Select and No. 1 grades with the number of defects per log acceptable in the smaller diameter logs the same as for the larger diameter logs, *Provided*, That not more than 50 percent of the diameter is in heartwood.

4. The headnote of section 15 and section 15 (a) are amended to read as follows:

SEC. 15. Zones 3 and 3A—(a) *Area of production.*

Zone 3 comprises all of the States of New Jersey and Pennsylvania. (See Tables 9 and 10 for prices.)

Zone 3A comprises the entire State of Delaware, the counties of Accomac and Northampton in the State of Virginia, and the following counties in Maryland—Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester. (See Tables 9A and 10 for prices.)

5. Section 15 (b) (2) is amended to read as follows:

(2) *Supplement to general scaling rule in section 9.* The diameter shall be measured inside the bark at the small end of the log at the smallest diameter. Veneer logs shorter than 8' in length shall be known as bolts and shall be cut

to the lengths specified by the buyer, plus a 3" allowance for trim.

6. In section 15 (d), the heading of Table 9 is changed to read "Table 9 (Zone 3)", and beneath the table a note is added, to read as follows:

NOTE: Bolts (See section 15 (b) (2). For No. 1 grade and No. 2 grade bolts cut to lengths specified by the buyer, deduct \$2.50 from the No. 1 grade and No. 2 grade log prices listed above. For woodrun grade bolts the woodrun grade log prices listed above may be used.

7. In section 15 (d), a new table 9A is added, to read as follows:

TABLE 9A (ZONE 3A)
PER 24 FEET LOG SCALE

Species	No. 1 or Veneer grade	No. 2 grade	Woodrun grade
Poplar	\$57.00	\$57.00	\$49.00
Gum	52.00	52.00	45.00
Elm	50.00	50.00	42.00
Ash	45.00	45.00	37.00
Beech	42.00	42.00	34.00
Maple	40.00	40.00	32.00
Sycamore	45.00	45.00	37.00
Cypress	45.00	45.00	37.00
Pine	45.00	45.00	37.00
Other species except oak			35.00

NOTE: Bolts (See section 15 (b) (2)). For No. 1 grade and No. 2 grade bolts cut to lengths specified by the buyer, deduct \$2.50 from the No. 1 grade and No. 2 grade log prices listed above. For woodrun grade bolts the woodrun grade log prices listed above may be used.

This amendment shall become effective August 28, 1944.

TABLE A
(In cents per pound)

Sales and deliveries by	Limburger in "factory wrapped packages" (gross weight)—see par. (b) (2)		Brick	Munster	Swiss
	1 lb. and 2 lbs.	½ lb.			
Cheese factories or cheese makers (see par. (c) (7) (ii)).	25	25 3/4	25 3/4	25 3/4	33
Assemblers (see par. (b) (i)).	27 1/2	27 1/2	27 1/2	27 1/2	34 1/2
Primary wholesalers	29 1/2	29 1/2	29 1/2	29 1/2	36
Service wholesalers	31 1/2	31 1/2	31 1/2	31 1/2	42

(ii) The maximum prices for the sale of Limburger, Brick, Munster and Swiss cheese containing either more moisture or less milk fat, or more moisture and less milk fat, than prescribed in paragraph (c) (8) (i), (ii), (iii) and (iv) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A until August

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13051; Filed, August 23, 1944; 4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[RMPR 229, Amdt. 10]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 289 is amended in the following respects:

1. Section 1 (i) is amended to read as follows:

(i) Limburger, Brick, Munster and Swiss cheese.

2. Section 27 is amended to read as follows:

SEC. 27. Maximum prices for Limburger, Brick, Munster and Swiss cheese—(a) Sales by cheese factories or cheese makers, assemblers, primary wholesalers and service wholesalers—

(1) In Wisconsin. (i) The maximum prices for the sale of Limburger, Brick, Munster and Swiss cheese conforming with the standards prescribed in paragraph (c) (8) (i), (ii), (iii) and (iv) respectively, and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

25, 1944 with respect to Limburger, Brick and Munster cheese and until December 4, 1944 with respect to Swiss cheese. After the expiration of the maximum prices in Table A with respect to such sale the maximum prices therefore shall be the appropriate prices set forth in Table B below.

TABLE B
(In cents per pound)

Sales and deliveries by	Limburger in "factory wrapped packages" (gross weight)—see par. (b) (2)		Brick	Munster	Swiss
	1 lb. and 2 lbs.	½ lb.			
Cheese factories or cheese makers (see par. (c) (7) (ii)).	12	12 3/4	12	12	20
Assemblers (see par. (b) (i)).	13 1/2	13 1/2	13 1/2	13 1/2	21 1/2
Primary wholesalers	14 1/2	15	14 1/2	14 1/2	22 1/2
Service wholesalers	16 1/2	17	16 1/2	16	24 1/2

*Copies may be obtained from the Office of Price Administration.

19 F.R. 5140, 5427, 5429, 5588, 5917, 5919, 5921, 6105, 7693.

(2) *Outside Wisconsin.* The maximum price for the sale of cheese delivered at any place outside of Wisconsin shall be the appropriate price set forth in Table A or B above plus the lowest published railroad carlot freight rate per pound gross weight from the applicable point named below to the place of delivery multiplied by 1.15:

From Monroe, Wisconsin for Limburger and Swiss.

From Plymouth, Wisconsin for Brick and Munster.

In calculating the transportation charge the 3 percent transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(3) The prices in Tables A and B for Swiss cheese are for cheese contained in tubs. Where the seller does not furnish the buyer with a tub, the maximum prices set forth in Tables A and B above shall be reduced by 50 cents for each loaf of Swiss cheese so sold.

(b) *General provisions—(1) Transportation charges; cheese factory to assembler.* (i) In addition to the maximum prices established in paragraph (a), a cheese assembler may compensate any cheese factory, cheese maker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the assembler's warehouse shall be computed via the shortest publicly traveled route.

TABLE C

Miles— not over (one way)	Cents per 100 lbs. net weight	Miles— not over (one way)	Cents per 100 lbs. net weight
5	17	120	46
10	18	130	47
15	20	140	49
20	21	150	51
25	23	160	53
30	24	170	55
35	26	180	56
40	27	190	58
45	29	200	60
50	30	210	62
55	31	220	63
60	32	230	65
65	34	240	66
70	35	250	68
75	36	260	69
80	37	270	71
85	38	280	72
90	40	290	74
100	42	Over 290	75
110	44		

(ii) Except that if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs

the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheese maker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(2) *Special wrapping of Limburger cheese.* (i) When a "factory wrapped package" of limburger cheese is further wrapped with a special outside wrapper marked with the net weight of the cheese, the person performing the special outside wrapping service may, if he has purchased the cheese on the basis of gross weight and sells it on the basis of net weight, increase his established maximum price as follows:

	Cents
For each ½ lb. package	1¼
For each 1 lb. package	2¼
For each 2 lb. package	4½
For each package weighing more than 2 pounds	1

¹ Per package plus 1¼¢ per pound (net weight).

Provided, however, Only one special wrapping charge may be added to the maximum prices set forth in Table A and Table B of paragraph (a).

(ii) The maximum prices of any subsequent seller of a "factory wrapped package" of Limburger cheese which has been further wrapped with a special outside wrapper marked with the net weight of the cheese shall be increased over the maximum prices set forth in Table A and Table B of paragraph (a) for such a seller in the same amount as set forth in subdivision (i) of this subparagraph (2).

Example: If a one pound package of cheese is specially wrapped at the cheese factory, the maximum price in Table A at the cheese factory shall be increased from 26¢ to 28¼¢ and the respective maximum prices on one pound packages for assemblers, primary wholesalers and service wholesalers shall likewise be increased 2¼¢; or if the pound package is specially wrapped by a primary wholesaler, his maximum price shall be increased from 28½¢ to 31¼¢ and the maximum price for service wholesalers shall likewise be increased 2¼¢, but the maximum prices for cheese factories and assemblers shall not be increased.

(3) *Allowances and fees.* (i) The maximum prices established in paragraph (a) shall not be increased by brokerage fees, commissions or other charges not specifically authorized by this paragraph (b).

(ii) When a person described in paragraph (a) employs a person in the brokerage of cheese, the provisions of Revised Maximum Price Regulation 165² shall apply. The fee established by that regulation shall be paid without increasing any of the maximum prices established in paragraph (a).

(4) *Calculations.* All calculations of any transportation rate or charge and

of any maximum price established by this section shall be made on a cents-per-pound basis and shall be carried to the second decimal point. The price, per pound (carried to the second decimal point) shall be multiplied by the number of pounds sold and the total price then adjusted to the nearest cent, or the next higher cent where the total price ends with a decimal of .50 cents: *Provided, however,* All maximum prices of "service wholesalers" made on a cents-per-pound basis and carried to the second decimal point shall be rounded to the nearest ½ of a cent or to the next higher ½ of a cent where the second digit beyond the decimal point is the numeral, five.

(5) *Maximum prices for sales at retail by factories, assemblers and wholesalers.* (i) The maximum price for the sale at retail to an ultimate household user of any cheese delivered at any place by a cheese factory, cheese maker, assembler, primary wholesaler or service wholesaler, shall be the appropriate maximum price established in that place for a sale by a cheese factory plus 27 percent.

(ii) No sale described above of a quantity in excess of 15 lbs. shall be considered a sale at retail.

(6) *Maximum prices in places not on railroad line or siding.* The maximum price for the sale of any cheese delivered in a place not on a railroad line or siding shall be the maximum price for a similar sale of that cheese in the nearest place that is located on a railroad line or siding. *Provided, however,* Where the latter place is more than 50 miles from the place of delivery, transportation costs from that place to the place of delivery, not to exceed the lowest common carrier rate where one exists may be added.

(7) *Maximum prices for sales not already provided for.* The maximum price for the sale or delivery in any place of any cheese described in this section for which a maximum price is not established by this section shall be the maximum price established for "sales by cheese factories" of that particular cheese in that place by paragraph (a) of this section except that where the requirements of paragraph (c) (1) of this section are satisfied, the appropriate price established for assemblers shall be the maximum price.

(8) *Special provisions for records and reports.* The provisions of section 5 shall apply to all sales of cheese as described in this section other than those by a cheese factory or cheese maker to an assembler. However, for all such latter sales the cheese factory or cheese maker shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act, as amended, remains in effect, remittance statements furnished to the cheese factory or cheese maker by the assembler.

(9) *Evasive practices prohibited—(1) Used cheese boxes.* The maximum prices established by this section shall not be

² 9 F.R. 7439.

evaded by the selling or furnishing of used cheese boxes at less than their reasonable market value by any buyer of any cheese described in this section or his agent or affiliate to any seller of such cheese, his agent or affiliate. Any sale of used cheese boxes by a buyer of any cheese described in this section, his agent or affiliate, to a seller of such cheese, his agent or affiliate at any price less than the prices established in Table D below shall be considered prima facie evidence of an evasion of the maximum prices established by this section.

TABLE D

Used boxes for Limburger, Brick and Munster	Full box	Half box	Quarter box
F. o. b. assembly warehouse.....	25	15	10
Delivered to cheese factory.....	23	13	11

(ii) *Supplies.* No buyer of any cheese described in this section, his agent or affiliate, shall sell, lend or otherwise transfer supplies or equipment to a seller of such cheese, his agent or affiliate, at less than the market value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) of this section and is hereby prohibited.

(iii) The practice described in subdivisions (i) and (ii) of this subparagraph (9) are in addition to any evasive practices prohibited by section 6 of this regulation.

(c) *Definitions* — (1) *"Assembler"* means a person who accumulates cheese and grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; stores it in a refrigerated space; paraffins (if not already paraffined) or otherwise prepares it for shipment, weighs, packs and customarily ships it.

(i) No person shall be entitled to charge the maximum prices established for "assemblers" unless he performs all of the above described functions.

(ii) The prices established for "assemblers" shall include transportation costs, if any, from the cheese factory or cheese maker to the assembling warehouse whether the assembling warehouse is located inside or outside the State of Wisconsin.

(2) *"Delivered at any place."* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of f. o. b. shipping point or some other point. Sales f. o. b. any point shall be considered "delivered" at that point.

(3) *"Factory wrapped packages"* means pieces of partially cured Lim-

burger cheese which have been wrapped at the cheese factory with parchment, manila paper and lead-tin foil or otherwise according to customary trade practice.

(4) *"Place"* means any city, town, village or hamlet within the United States.

(5) *"Primary wholesaler"* means a person who sells to a wholesaler or to a retailer distributing warehouse, or who sells to, and makes delivery of cheese in large lots (as stated below) to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental user:

Limburger, in lots of more than 15 pounds.
Brick, in lots of more than 20 pounds.
Munster, in lots of more than 20 pounds.
Swiss, in lots of more than 18 pounds.

Provided, however, No person shall be considered a "primary wholesaler" unless he was engaged in making sales as described above in this subparagraph (5) prior to January 1, 1943, and unless during the calendar year of 1942 at least 20% of the total amount of Limburger, Brick, Munster and Swiss cheese sold by him was sold in the manner described above: *And provided further,* No person shall be considered a "primary wholesaler" as to any cheese sold to a processor for processing.

(i) The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual commercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(6) *"Retailer distributing warehouse"* means a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned cooperative warehouses are included in the meaning of "retailer distributing warehouse."

(7) *"Service wholesaler"* means a person who sells to, and makes delivery of cheese in small lots (as stated below) to the physical premises of, an individual retail store or individual commercial, industrial, institutional or federal or non-federal governmental user:

Limburger, in lots of 15 pounds or less.
Brick, in lots of 20 pounds or less.
Munster, in lots of 20 pounds or less.
Swiss, in lots of 18 pounds or less.

(i) No person shall be deemed a "service wholesaler" unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchasers are located. The physical premises of an individual retail store means the place where the cheeses described in this section are sold to ultimate household users. The physical premises of an individual com-

mercial, industrial, institutional, or federal or non-federal governmental users means the place where such cheeses are consumed by such users.

(ii) The maximum prices established for "service wholesalers" shall not apply to any sale by a cheese factory or cheese maker or association of cheese factories or cheese makers to any purchaser described in this subparagraph (7) whose physical premises are located

(a) At a point on or east of the 99th meridian and more than 50 miles from the place where the cheese factory is located, or

(b) At a point west of the 99th meridian and more than 100 miles from the place where the cheese factory is located

where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sales, the maximum price shall not exceed the appropriate maximum price in that place for a sale by a cheese factory or cheese maker for the particular type of cheese as established in paragraph (a) of this section, plus the total of the exact sums paid by the cheese factory, cheese maker or association, to the agent, commission salesman and trucking or hauling agent or contractor for making the sale to the purchaser, and for performing "local transportation services." *Provided, however,* That in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "primary wholesalers," or, in the event the cheese factory, cheese maker or association owns or maintains a warehouse in the marketing area and sales and deliveries are made in small lots as prescribed in this subparagraph (7), in no case may the maximum price exceed the appropriate maximum price established in paragraph (a) for "service wholesalers." "Local transportation services" means and is limited to, the actual distance traversed from the railroad siding in, or point of entrance to, the city, town, village, or hamlet in which the physical premises of the purchaser are located, to such physical premises.

(8) The maximum prices in Table A of paragraph (a) are for cheeses covered by the definitions set forth below which definitions are for the purpose of establishing standards of identity for specific pricing: *Provided, however,* The prescribed moisture and milk fat standards shall become effective with reference to Limburger, Brick, and Munster cheeses 90 days after May 27, 1944 and with respect to Swiss cheese 90 days after September 4, 1944.

(i) *Limburger cheese.* The food product commonly known as Limburger cheese, a soft smear ripened cheese with a strong and characteristic odor and taste,

is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by the adding of skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria present in such milk or which may be added. Sufficient rennet is then added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote separation of whey and curd. The final cooking temperature is about 98° F. When the curd is sufficiently firm about one-half of the whey is removed. The curd and whey remaining in the vat is stirred and immediately dipped into forms or molds. (Another method requires draining practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are usually turned at regular intervals during the first day, and a slight pressure may or may not be applied to the cheese. The cheeses may or may not be cut before being placed on a salting table where they are rubbed with dry salt two or three times during the first 48 hours. The cheeses are then placed in a curing room at a temperature of about 60° F. having a relative humidity of about 95 percent. To develop and control the proper rind smear each cheese is washed in a weak brine solution about every other day until proper color and smear are obtained, which usually requires about 12 days. The cheese is wrapped in parchment, wax and foil, and placed in a cold room for further curing or until shipped. The cheese contains not more than 48 percent of moisture and its solids contain not less than 50 percent of milk fat.

(ii) *Brick cheese.* The food product commonly known as Brick cheese is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet or other suitable coagulant is added to cause setting to a semi-solid mass. This mass is so cut, stirred, and heated as to promote separation of the whey and curd. The final cooking temperature is about 108° F. When the curd is sufficiently firm about one-half of the whey is removed. The whey and curd remaining in the vat is again stirred and immediately dipped into forms or molds. (Another method requires draining

practically all of the whey and the addition of salt brine to the curd in the vat before dipping.) The forms containing the cheese are then turned at regular intervals during the first day and a slight pressure may or may not be applied to the cheese. The cheeses are then salted. They may be dry salted or immersed in brine. They are then placed on shelves in a curing room having a temperature of about 65° F. and a relative humidity of about 85 percent. The cheeses are then washed frequently in a weak brine solution over a period of about 12 days. The cheeses are usually paraffined or waxed, wrapped in parchment or suitable moisture resistant wrapper and then with an overwrap of suitable paper and packed in boxes for further holding or for shipment. The cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

The term *Brick cheese* includes a pasteurized cured *Brick cheese* made by approximately the same process, including, but not limited to *Beer Kaese* cheese and cheese sold under such names as *Bier Kase*, *Lager Kase*, *Baummeister*, *Milltown Bar* and *Beer Cheese*, which cheese contains not more than 43 percent of moisture and its solids contain not less than 50 percent of milk fat.

(iii) *Munster cheese.* The food product commonly known as *Munster cheese*, also known as *Muenster cheese* is prepared from cow's milk by the following process:

Milk may or may not be pasteurized. It may be standardized to adjust the fat content by removing a portion of the fat, by adding skim milk, or by adding cream. The milk may be warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is cut into small cubes and stirred gently for a few minutes and then allowed to settle. The final cooking temperature is usually higher than the setting temperature. When the curd is sufficiently firm and there is a slight development of acid the whey is removed and the curd is dipped into perforated round or oblong hoops or forms.

The forms containing the cheese are turned several times at regular intervals during the first day. It is then taken out of the hoop and rubbed with dry salt about 3 days in succession, or it can be brine salted. The cheese is then transferred to the ripening cellar which should have a uniform temperature of about 55° F. and a relative humidity of about 75 percent. During the ripening period the cheese is usually kept on shelves and turned about twice a week.

The rind of the cheese is usually colored by dipping in a vegetable coloring matter or by applying the color to the surface of the cheese. It is then wrapped in parchment or moisture resistant material and packed in boxes. The cheese contains not more than 44 percent of moisture and its solids contain not less than 50 percent of milk fat.

(iv) *Swiss cheese.* The food product commonly known as *Swiss cheese*, *drum Swiss* or *block Swiss* is prepared from cow's milk by the following process:

Milk may or may not be pasteurized but is usually clarified. It may be standardized to adjust the fat content by removing a portion of the fat or by adding skim milk. The milk is warmed, when necessary, and subjected to the action of harmless lactic acid forming bacteria which may be present in the milk or which may be added. A propionic acid forming organism may also be added. Sufficient rennet is added to cause setting to a semi-solid mass. The mass is so cut, stirred, and heated as to promote the separation of whey and curd. The final cooking temperature is about 127° F. When the curd is sufficiently firm it is allowed to settle in the kettle and is then removed from the whey with a dipping cloth. The mass of curd is then placed in a cheese hoop or block form on the press table, and put under pressure for a period of about 16 hours. Cheese is removed from the press table and immersed in brine for a period of about 3 days, then it is left in a cold room for about 12 days. It is then held in a curing room at a temperature of about 75° F. for a period of about 6 weeks or until the "eyes" have formed in the body of the cheese. It is then held at a lower temperature for further aging. The cheese contains not more than 40 percent moisture and its solids contain not less than 43 percent milk fat.

(d) Reference to other maximum price regulations governing sales of cheese:

(1) Sales at retail shall be priced under the provisions of Maximum Price Regulations Nos. 422⁴ and 423.⁴

This amendment shall become effective September 4, 1944, except as provided in section 27 (a) (1) (ii) and (c) (8).

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13099; Filed, August 29, 1944; 11:38 a. m.]

⁴ 8 F.R. 9395, 10569, 10987, 12243, 12611, 13294, 14853, 15251, 15586, 15607, 17369, 17370; 9 F.R. 95, 3510, 3648, 4017, 4214, 4434, 5050, 6828, 6951, 7339, 7520, 7937.

⁴ 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031, 17371; 9 F.R. 95, 3510, 3648, 4017, 4217, 4434, 5671, 6829, 7340, 7520, 7937.

PART 1358—TOBACCO

[MPR 260,¹ Amdt. 9]

CIGARS, CIGAR CUTTINGS, AND CLIPPINGS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 260 is amended in the following respects:

1. Section 1358.102a is amended to read as follows:

(a) *Maximum prices for imported cigars*—(1) *Listed imported cigars*. The maximum list price and the maximum retail price of any imported cigar listed in § 1358.117, Appendix B, which is sold after September 3, 1944 shall be the maximum prices set forth in that section for the imported cigar of the same brand name and front mark and of the same size, shape and quality.

(2) *Imported cigars not listed*. (i) The maximum list price and the maximum retail price of any imported cigar not listed in § 1358.117, Appendix B, which an importer did not sell prior to September 4, 1944 and which he desires to sell after such date, shall be the maximum prices set forth in that section for an imported cigar of comparable size, shape and quality. Maximum prices for an imported cigar determined by an importer under this subdivision shall not be charged, paid or received until authority to establish such maximum prices has been given by the Office of Price Administration, Washington, D. C. Such authorization will be given only after receipt, in duplicate, of all the information and evidence requested in OPA Form 635-1065, shown in § 1358.117a, Appendix C. Copies of such form will be furnished to each applicant making request therefor to the Office of Price Administration, Tobacco Section, Washington, D. C.

(ii) Within 30 days after September 4, 1944, every importer of an imported cigar, sold prior to such date, which is not listed in § 1358.117, Appendix B, shall apply for authorization of his maximum prices in the same manner provided in (i), above. An importer who has applied for authorization of his maximum prices under this subdivision may continue to sell the cigar being priced at maximum prices heretofore properly established under this regulation, until receipt by him of an order issued by the Office of

Price Administration in accordance with (3), below.

(3) After receipt of an application filed under (2), above, the Office of Price Administration, Washington, D. C., will, by order, establish a maximum list price and a maximum retail price for the imported cigar being priced.

(4) Importers' and wholesalers' discounts on sales of any imported cigar priced under (1) or (2), above, shall not be less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. Importers' and wholesalers' price differentials in packings charged in 1942 on sales of imported cigars in the same price class may be charged on sales of such imported cigar, but shall not be increased. Importers' and wholesalers' price differentials in packings allowed in March 1942 on sales of imported cigars in the same price class shall be allowed on sales of such imported cigar and shall not be reduced. If an imported cigar is of a price class not previously sold by a particular importer, the maximum discounts on sales thereof shall be those established under this regulation for imported cigars of that price class by the most closely competitive importer thereof and packing differentials charged or allowed shall not be greater or less, respectively, than those charged or allowed by such most closely competitive importer on sales of imported cigars of that price class.

(5) On or before the first delivery after September 3, 1944 of an imported cigar for which maximum prices have been established under this regulation, every seller (other than a retailer) shall notify the purchaser of the exact amount of his maximum list price and the exact amount of the maximum retail price of such imported cigar by delivering to such purchaser a written statement as set forth below. However, no such notice shall be required where the maximum list price and the maximum retail price are the same as those previously established for the particular imported cigar under this regulation. Where the imported cigar being priced was imported and sold by the importer prior to September 4, 1944, and an application has been filed by him under (2) (ii), above, notice shall be given by the importer to the purchaser on or before the first delivery of such imported cigar after an order of authorization of maximum prices has been received by the importer, as provided in (3) above; such notice shall be given by other sellers (except retailers) on or before the first delivery of such imported cigar after receipt of notice from

their suppliers in accordance with this subparagraph.

On our _____ (describe cigar by brand name, front mark and size) of imported cigars, we are authorized by the Office of Price Administration to establish a maximum list price of \$_____ per thousand and a maximum retail price of _____ cents each (or _____ for _____ cents). Importers' and wholesalers' discounts on sales of this cigar are to be not less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. All packing differentials charged in March 1942 on sales of imported cigars in the same price class may be charged on sales of this cigar and may not be increased. All packing differentials allowed in March 1942 on sales of imported cigars in the same price class are to be allowed on sales of this cigar and may not be reduced. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver this imported cigar on or before the first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(6) The maximum prices of any new imported cigar established under this paragraph shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

2. The second sentence of § 1358.103 is amended by deleting the phrase "or by an importer of imported cigars under § 1358.117 Appendix B."

3. Section 1358.113 (c) is revoked.

4. Section 1358.117 is amended to read as follows:

§ 1358.117 Appendix B.

Brand	Front mark and packing	List price	Retail price
		Per 1,000	Each
Belinda.....	Adams (25).....	\$300.00	\$0.30
	After dinner (25).....	297.00	.29
	Americans (25).....	212.50	.21
	Apollon (25).....	125.00	.17
	Belinda Belindas (25).....	425.50	.55
	Belinda Quakers (25).....	251.75	.33
	Belvedere (25).....	203.50	.28
	Brevas (25).....	113.00	.23
	Coronas (25).....	335.00	.55
	Ferry Tales of Smoke (25).....	373.50	.60
	Pantelas (25).....	150.00	.20
	Perfectos (25).....	245.50	.33
	Petit Coronas (25).....	261.75	.33
	Premiers (25).....	320.00	.44
	Puritanes Finas (25).....	145.00	3/65
	Regalia (25).....	145.00	3/65
	Sobremes (25).....	210.00	.28
Belvoir.....	Senators (25).....	203.50	.28
	Symbols (25).....	161.50	.20
	Americans (25).....	209.00	.28
	Coronas (25).....	400.00	.55
	Elites (25).....	240.00	.33
	Perfect esp. (25).....	255.00	.33
	Petit Coronas (25).....	275.00	2/1.19

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8997, 10255, 10475, 11113, 8 F.R. 1974, 2208, 4476, 9 F.R. 3037, 3710.

Name of person furnishing above information	Title	Date
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This amendment shall become effective September 4, 1944.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13100; Filed, August 29, 1944;
11:37 a. m.]

**PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS**

[MPR 355,¹ Amdt. 18]

**RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB
AND MUTTON CUTS AND ALL VARIETY MEATS
AND EDIBLE BY-PRODUCTS**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 355 is amended in the following respects:

1. Paragraph (e) of section 5 is added to read as follows:

(e) Except as authorized hereafter in this paragraph (e) of section 5, you must not grind, bone, roll or cube any cut or grade of meat not authorized to be pre-ground, pre-boned, pre-rolled or pre-cubed in sections 20, 22 or 30 of this regulation, unless such preparation is performed in the presence of the customer ordering it, and in such a manner that he can observe it.

If you first have gotten permission from the Director of your appropriate District Office of the Office of Price Administration, you may fill bona fide telephone orders for ground, boned, rolled or cubed cuts of meat (otherwise prohibited from being prepared) even though the purchaser is not present in the store to observe the preparation, but you may prepare them only after you have received a bona fide telephone order requiring such preparation. You must not prepare them in anticipation of orders—telephone or otherwise. If you wish permission to make such sales, you first must submit your written application requesting such permission to your appropriate District Office of the Office of Price Administration. The application must state the name and address of each store for which the permission is requested, the reasons why permission to fill telephone orders is sought, must be signed by you, and must set forth facts which indicate the existence of the following conditions:

(1) That you customarily filled telephone orders during the year immediately preceding May 17, 1943;

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 5504.

(2) That you have continued to fill telephone orders since May 17, 1943, on those items which you were permitted to sell in this manner, but not on items which required grinding, boning, rolling or cubing in the customer's presence;

(3) That your inability to fill telephone orders on items which required grinding, boning, rolling or cubing in the customer's presence has resulted in delay in filling orders and has caused inconvenience to you and your customers since May 17, 1943.

Upon receipt of an application, the appropriate District Office of the Office of Price Administration shall conduct whatever investigation it deems necessary concerning the statements in the application, and, upon the basis of the statements and such investigations the Director of the appropriate District Office of the Office of Price Administration shall make such findings as are justified. If the findings of the District Director indicate that the requirements of this section have been satisfied, he will grant permission in writing authorizing you to fill telephone orders for such ground, boned, rolled or cubed cuts and grades of meats even though the customer is not present in your store to observe the preparation.

When you receive permission you must comply with the following rules in filling telephone orders:

Rule 1. The ground, boned, rolled or cubed meat must not be placed on display to the public.

Rule 2. The ground, boned, rolled or cubed meat must be wrapped immediately following its preparation.

Rule 3. The wrapper containing the ground, boned, rolled or cubed meat must be marked with the customer's name; the cut, grade and weight of the meat before preparation; the price per pound; and the total charge.

Rule 4. The ground, boned, rolled or cubed meat must not be sold, offered, delivered, or diverted in any manner to any customer other than the one making the telephone order.

Rule 5. You must not pre-grind, pre-bone, pre-roll or pre-cube any cut or grade of meat in anticipation of telephone orders if such preparation is not generally authorized in sections 20, 22 or 30 of this regulation.

Rule 6. No addition may be charged the customer for the grinding, boning, rolling, cubing, or any other special preparation.

Rule 7. No addition may be charged the customer for delivery service.

2. Section 12 is amended by inserting "(a)" after the caption reading "Prohibitions and penalties".

3. Paragraph (b) of section 12 is added to read as follows:

(b) Specifically but not exclusively the following retail merchandising practices are prohibited:

(1) The boning and/or rolling of any rib roast of beef at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.

(2) The boning and/or rolling of any short loin of beef prior to receiving a

specific order from a customer for the particular short loin which is to be boned and/or rolled.

(3) The preparation and/or sale of beef tenders either as a separate meat item, or as one of the incidental products resulting from special fabrication.

(4) The pre-cubing of steaks from any wholesale or retail cut of beef other than boneless top or bottom rounds.

(5) The addition of any charge for delivery service.

4. Part I of section 22 (a) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cuts..	-----	-----	-----	.31	.35

5. Paragraph (b) of Note 1 appended to section 22 (a), (b), (b) (1), (c), (d), (d) (1), (e), (f), (f) (1), (g), (h), (h) (1), (i), (j), (j) (1), (k), (l), (l) (1), (m), (n), (n) (1), (o), (p), (p) (1), (q), (r), (r) (1), (s), (t), (t) (1), (u), (v), (v) (1), (w), (x), and (x) (1), and section 30 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) is amended to read as follows:

(b) Except as provided in section 5 (e), if a customer buys any retail cut of meat and wants it ground, the retailer may grind that cut of meat for the customer, only if the grinding is done in a manner so that the customer can observe it. Compliance with this observation requirement may be secured by either of the following methods:

(1) The grinding operation may be performed at the meat counter.

(2) The grinding operation may be performed in the refrigerator: *Provided*, That the meat is shown to the customer immediately before and after grinding, and the right to observe the grinding operation is granted to every customer requesting such grinding and printed notice of such right is posted in two or more conspicuous places at the meat counter. Such notices shall consist of letters one inch high and shall be in the following form:

Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPA grants you this right. Ask the clerk.

No addition may be charged the customer for the grinding.

6. Paragraph (c) of Note 1 appended to section 22 (a), (b), (b) (1), (c), (d), (d) (1), (e), (f), (f) (1), (g), (h), (h) (1), (i), (j), (j) (1), (k), (l), (l) (1), (m), (n), (n) (1), (o), (p), (p) (1), (q), (r), (r) (1), (s), (t), (t) (1), (u), (v), (v) (1), (w), (x), and (x) (1), and section 30 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) is amended to read as follows:

(c) The retailer shall not have in his store or cooler any ground meat except ground beef, ground veal or ground lamb, or meat which has been bought by a customer and

ground at the customer's request and which is wrapped and marked with that customer's name, or which has been prepared, wrapped and marked with the customer's name as a result of a telephone order, if the retailer is authorized to fill such telephone orders under section 5 (e).

7. Note 2 appended to section 22 (a), (b), (b) (1), (c), (d), (d) (1), (e), (f), (f) (1), (g), (h), (h) (1), (i), (j), (j) (1), (k), (l), (l) (1), (m), (n), (n) (1), (o), (p), (p) (1), (q), (r), (r) (1), (s), (t), (t) (1), (u), (v), (v) (1), (w), (x), and (x) (1), and section 30 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) is amended to read as follows:

Note 2. Cube steaks. (a) The retailer is permitted to pre-cube steaks from boneless top and bottom beef rounds only. A single price has been established for such steaks from boneless top and bottom beef rounds of Utility and Cutter and Canner grades and no pre-cubed steak of any grade may be sold at a price higher than the price fixed for cube steaks of utility and cutter and canner grades.

(b) Except as provided in section 5 (e), if a customer buys any retail cut of meat and wants it cubed, the retailer may cube that cut of meat for the customer, only if the cubing is done in a manner so that the customer can observe it and no addition is charged the customer for the cubing.

8. Part I of section 22 (b) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.29	.29

9. Part I of section 22 (b) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.28	.28

10. Part I of section 22 (c) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.30	.30

11. Part I of section 22 (d) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.23	.23

12. Part I of section 22 (d) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.27	.27

13. Part I of section 22 (e) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.28	.28

14. Part I of section 22 (f) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.26	.26

15. Part I of section 22 (f) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.25	.25

16. Part I of section 22 (g) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.28	.28

17. Part I of section 22 (h) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.26	.26

18. Part I of section 22 (h) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.25	.25

19. Part I of section 22 (i) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.29	.29

20. Part I of section 22 (j) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.27	.27

21. Part I of section 22 (j) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.20	.20

22. Part I of section 22 (k) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.29	.29

23. Part I of section 22 (l) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.27	.27

24. Part I of section 22 (l) (1) is amended by the addition of an item to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.26	.26

25. Part I of section 22 (m) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....				.30	.30

	Choice or AA	Good or A	Com- mercial or B	Utility or O	Cutter and Canner or D
15. Cube..	-----	-----	-----	.28	.23

	Choice or A A	Good or A	Com- mercial or B	Utility or O	Cutter and Canner or D
Cube.....	-----	-----	-----	.27	.27

	Choice or AA	Good or A	Com- mercial or B	Utility or O	Cutter and Canner or D
1b. Cube..	-----	-----	-----	.30	.30

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube	-----	-----	-----	.28	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				.27	.27

	Choice or AA	Good or A	Com- mercial or B	Utility or Q	Cutter and Canner or D
15. Cube..	-----	-----	-----	.30	.30

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube	-----	-----	-----	.28	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....	-----	-----	-----	.57	.57

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....	-----	-----	-----	.31	.31

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....23	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....				57	57

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube				31	31

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..23	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cube.....27	.27

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
12. Cuts..	-----	-----	-----	. .31	.31

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cuts...	-----	-----	-----	.29	.29

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
Cuto.....	-----	-----	-----	.53	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cuts				.25	.25

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube.....25	.25

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cuts.....	-----	-----	-----	.23	.23

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cuts.....	-----	-----	-----	.23	.23

47. Part I of section 30 (e) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.24	.24

48. Part I of section 30 (f) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.24	.24

49. Part I of section 30 (g) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.25	.25

50. Part I of section 30 (h) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.25	.25

51. Part I of section 30 (i) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.25	.25

52. Part I of section 30 (j) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.26	.26

53. Part I of section 30 (k) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or A	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.26	.26

54. Part I of section 30 (l) is amended by the addition of item 15 to read as follows:

	Choice or AA	Good or B	Com- mercial or B	Utility or C	Cutter and Canner or D
15. Cube..				.26	.26

This amendment shall become effective September 4, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13101; Filed, August 29, 1944;
11:37 a. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS

[MPR 394,¹ Amdt. 7]

RETAIL CEILING PRICES FOR KOSHER BEEF,
VEAL, LAMB AND MUTTON CUTS AND ALL
VARIETY MEATS AND EDIBLE BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 394 is amended in the following respects:

1. Paragraph (e) of section 5 is added to read as follows:

(e) Except as authorized hereafter in this paragraph (e) of section 5, you must not grind, bone, roll or cube any cut or grade of kosher meat not authorized to be pre-ground, pre-boned, pre-rolled or pre-cubed in sections 16, 19 or 24 of this regulation, unless such preparation is performed in the presence of the customer ordering it, and in such a manner that he can observe it.

If you first have gotten permission from the Director of your appropriate District Office of the Office of Price Administration, you may fill bona fide telephone orders for ground, boned, rolled or cubed cuts of kosher meat (otherwise prohibited from being prepared) even though the purchaser is not present in the store to observe the preparation, but you may prepare them only after you have received a bona fide telephone order requiring such preparation. You must not prepare them in anticipation of orders—telephone or otherwise. If you wish permission to make such sales, you first must submit your written application requesting such permission to your appropriate District Office of the Office of Price Administration. The application must state the name and address of each store for which the permission is requested, the reasons why permission to fill telephone orders is sought, must be signed by you, and must set forth facts which indicate the existence of the following conditions:

(1) That you customarily filled telephone orders during the year immediately preceding May 17, 1943.

(2) That you have continued to fill telephone orders since May 17, 1943, on those items which you were permitted to sell in this manner, but not on items which required grinding, boning, rolling or cubing, in the customer's presence.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 6364, 6548, 6618, 7200, 7692, 11297, 12621, 15609, 9 F.R. 8323.

(3) That your inability to fill telephone orders on items which required grinding, boning, rolling or cubing in the customer's presence has resulted in delay in filling orders and has caused inconvenience to you and your customers since May 17, 1943.

Upon receipt of an application, the appropriate District Office of the Office of Price Administration shall conduct whatever investigation it deems necessary concerning the statements in the application, and, upon the basis of the statements and such investigations the Director of the appropriate District Office of the Office of Price Administration shall make such findings as are justified. If the findings of the District Director indicate that the requirements of this section have been satisfied, he will grant permission in writing authorizing you to fill telephone orders for such ground, boned, rolled or cubed cuts and grades of kosher meats even though the customer is not present in your store, to observe the preparation.

When you receive permission you must comply with the following rules in filling telephone orders:

Rule 1. The ground, boned, rolled or cubed meat must not be placed on display to the public.

Rule 2. The ground, boned, rolled or cubed meat must be wrapped immediately following its preparation.

Rule 3. The wrapper containing the ground, boned or rolled or cubed meat must be marked with the customer's name; the cut, grade and weight of the meat before preparation; the price per pound; and the total charge.

Rule 4. The ground, boned, rolled or cubed meat must not be sold, offered, delivered, or diverted in any manner to any customer other than the one making the telephone order.

Rule 5. You must not pre-grind, pre-bone, pre-roll or pre-cube any cut or grade of meat in anticipation of telephone orders if such preparation is not generally authorized in Sections 16, 19 or 24 of this regulation.

Rule 6. No addition may be charged the customer for the grinding, boning, rolling, cubing, or any other special preparation.

Rule 7. No addition may be charged the customer for delivery service.

2. Section 12 is amended by inserting "(a)" after the caption reading "Prohibitions and penalties".

3. Paragraph (b) of section 12 is added to read as follows:

(b) Specifically but not exclusively the following retail merchandising practices are prohibited:

(1) The boning and/or rolling of any rib roast of beef at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.

(2) The pre-cubing of steaks from any wholesale or retail cut of kosher beef.

(3) The addition of any charge for delivery service.

4. Paragraph (b) of Note 1 appended to section 19 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) is amended to read as follows:

(b) Except as provided in section 5 (e), if a customer buys any retail cut of kosher meat and wants it ground, the retailer may grind that cut of meat for the customer, only if the grinding is done in a manner so that the customer can observe it. Compliance

with this observation requirement may be secured by either of the following methods:

- (1) The grinding operation may be performed at the meat counter.
- (2) The grinding operation may be performed in the refrigerator: *Provided*, That the meat is shown to the customer immediately before and after grinding, and the right to observe the grinding operation is granted to every customer requesting such grinding and printed notice of such right is posted in two or more conspicuous places at the meat counter. Such notice shall consist of letters one-inch high and shall be in the following form:

Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPA grants you this right. Ask the clerk.

No addition may be charged the customer for the grinding.

5. Paragraph (c) of Note 1 appended to section 19 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l), is amended to read as follows:

(c) The Kosher retailer shall not have in his store or cooler any ground kosher meat except ground kosher beef, ground kosher veal or ground kosher lamb, or kosher meat which has been bought by a customer and ground at the customer's request and which is wrapped and marked with that customer's name, or which has been prepared, wrapped and marked with the customer's name as a result of a telephone order, if the retailer is authorized to fill such telephone orders under section 5 (e).

6. Note 2 appended to section 19 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) is amended to read as follows:

Note 2. *Cube steaks.* (a) The kosher retailer is not permitted to pre-cube steaks from any wholesale or retail cut of kosher beef.

(b) Except as provided in section 5 (e), if a customer buys any retail cut of kosher meat and wants it cubed, the retailer may cube that cut of meat for the customer, only if the cubing is done in a manner so that the customer can observe it and no addition is charged the customer for the cubing.

This amendment shall become effective September 4, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13095; Filed, August 29, 1944;
11:36 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amdt. 124]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

19 F.R. 4748.

No. 173—5

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. In § 1390.4 (a), the last sentence of the text preceding subparagraph (1) is revoked.

2. Section 1390.7 (d) is redesignated Section 1390.7 (e).

3. Section 1390.7 (d) is added to read as follows:

(d) *Allowance for scrap or wastage.* Where the manufacturer's October 1, 1941, price determining method included an allowance to the purchaser for scrap or wastage, generated during the manufacturing process, this allowance shall be determined as follows:

(1) Where, on October 1, 1941, the manufacturer determined the amount of this allowance on the basis of the current market price thereof, the allowance shall be determined as follows: The manufacturer shall multiply the estimated quantity of the scrap or wastage by the market price in effect therefor as of the date when he determines his maximum price.

(2) Where, on October 1, 1941, the manufacturer determined the amount of this allowance on the basis of a percentage of the current market price thereof, the allowance shall be determined as follows: The manufacturer shall first multiply the market price in effect for the scrap or wastage, as of the date when he determines his maximum price, by the percentage of the market price he was using to determine the allowance on October 1, 1941. The manufacturer shall then multiply the resultant figure by the estimated quantity of the scrap or wastage.

4. The first paragraph of § 1390.25 (a) (44) is amended to read as follows:

This subparagraph is applicable to textile bobbins and spools made principally of wood. Notwithstanding any other provisions of this regulation, the maximum manufacturers' prices for such bobbins and spools shall be determined as follows: The manufacturer shall multiply the net price he had in effect to a purchaser of the same class on October 1, 1941, by 109%.

5. Section 1390.26 (c) is amended to read as follows:

(c) *Reports on products brought under this regulation.* Whenever the sale or rental of any products or services are brought within the scope of this regulation by an amendment thereto, the reports required by § 1390.5 (d) shall be filed within thirty days after the effective date of such amendment.

6. In Appendix B, the following item is added in alphabetical order:

Ground key work, metal, such as valves, cocks and stops primarily made to the purchaser's specifications when sold by the manufacturer thereof to manufacturers and resellers of machines and parts, manufacturers and resellers of farm equipment (as defined in Maximum Price Regulation 246) and manufacturers of automotive parts (as defined in Maximum Price Regulation 452). Sales of metal ground key work by persons

engaged in the business of selling machines or parts are also covered by this regulation.

7. In Appendix B, the following item is added under the heading "Marine equipment":

Hatch Covers, metal.

8. In Appendix B, the item "Dies, jigs and fixtures (except where the die is sold or a separate charge is made therefor in connection with the sale of the product in the production of which it is used and the maximum price established for the product includes the price for such die)" is amended to read "Dies, jigs and fixtures (except where the die, jig or fixture is sold, or a separate charge is made therefor, in connection with the sale of the product in the production of which it is used and the maximum price established for the product includes the price for such die, jig or fixture)."

9. In Appendix C, the item "Parts and subassemblies sold for use in farm equipment, as defined in § 1361.9 (a) (3) of Maximum Price Regulation No. 133—Retail Prices for Farm Equipment", is revoked.

10. In Appendix C, the following item is added in alphabetical order:

Farm equipment (the maximum prices of which are established by Maximum Price Regulation 246).

11. In Appendix C, the item "Manual valves" is amended to read "Manual valves, except ground key work, listed in Appendix B."

This amendment shall become effective September 4, 1944.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13037; Filed, August 23, 1944;
11:36 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17, Amdt. 74]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 1.1 is amended by deleting the fifth sentence and substituting instead the following: "A stamp having an expiration date and sent by a consumer to an establishment with a mail order is considered used within its valid period, if the envelope in which it is enclosed is postmarked within the time it is valid for consumer use."

2. Section 1.2 (b) is amended by deleting the last two sentences.

3. Section 1.4 (a) (2) is amended by deleting all but the first sentence.

4. Section 1.4 (c) (2) is amended by adding "The Board should write on each stamp issued the words 'No Book'."

*8 F.R. 15339, 16505, 16936, 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 5254, 5491, 5895, 6233, 6455, 6647, 7030, 7773, 8254, 8339, 8340, 8331, 9355, 9901.

5. Section 1.4 (c) (3) is deleted.

6. Section 1.4 (d) (1) is amended by adding the following: "The person authorized to issue a stamp under this paragraph shall write on it the words 'No Book'."

7. Section 1.4 (d) (2) is deleted.

8. Section 1.5 (d) is amended by deleting the last two sentences.

9. Section 1.6 is amended by deleting the words "within its valid period" from the first sentence and by adding the following: "A special shoe stamp which is not marked 'Mexico' is valid for consumer use at any time regardless of date of issuance. A special shoe stamp marked 'Mexico' is valid for consumer use for thirty days after the date of issue."

10. Section 1.7 (a) (1) is amended by deleting the last three sentences.

11. Section 1.7 (b) (2) is amended by deleting the fifth and sixth sentences.

12. Section 1.10 (c) is deleted.

13. Section 1.15 is amended by deleting from the second sentence the words "time of issue or the time of expiration either by reference to a date or a war ration shoe stamp and the".

14. Section 2.8 (a) is amended by deleting the sentence "Ration currency may be forwarded to a supplier only within twenty days after its expiration for consumer use or to the District Office within the time it is valid for deposit as provided in the next section," and substituting instead the following: "War ration shoe stamps may be forwarded to a supplier only within twenty days after their expiration for consumer use or to the District Office within the time they are valid for deposit as provided in the next section."

15. Section 2.9 (a) is amended to read as follows:

(a) *Time for depositing is limited.* A war ration shoe stamp may not be deposited to an establishment's account later than thirty days after its expiration for consumer use. A ration check may be deposited at any time. A certificate (OPA Form R-1705A or 1705B), regardless of when issued, may be deposited at any time and shall be valid for consumer use at any time after its date of issue. (This includes certificates that had expired before April 15, 1944.) A special shoe stamp may be deposited at any time. However, a special shoe stamp marked "Mexico" and received by an establishment within the jurisdiction of a District Office located in Lubbock, Texas; San Antonio, Texas; Albuquerque, New Mexico; Phoenix, Arizona or San Diego, California, shall not be valid for deposit.

16. Section 2.9 (c) is amended by deleting the second sentence.

17. Section 2.10 (a) is amended by deleting the fourth and fifth sentences.

This amendment shall become effective September 2, 1944.

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13094; Filed, August 29, 1944;
11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,¹ Amdt. 41]

HAND OPERATED VALVES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1499.166, a paragraph is added under the heading "Valves—hand operated", to read as follows:

This regulation does not apply to sales of metal ground key work which are subject to the provisions of Maximum Price Regulation 136, as amended.

This amendment shall become effective Sept. 4, 1944.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13096; Filed, August 29, 1944;
11:36 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,² Amdt. 20]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 16 is amended in the following respects:

1. Section 1.1 (a) (3) is amended to read as follows:

"Rationed cheeses" means all cheeses of any kind, variety or description (but not including "cottage cheese," "creamed cottage cheese" containing five percent or less butterfat by weight, "whey products," or any cheese in the manufacture of which neither cow's milk nor milk solids, derived from cow's milk, are used) and any other edible product containing thirty percent or more by weight of such cheeses.

2. The definition of "Rationed cheeses" in section 27.1 (a) is amended to read as follows:

"Rationed cheeses" means all cheeses of any kind, variety or description (but not including "cottage cheese," "creamed cottage cheese" containing five percent or less butterfat by weight, "whey products," or any cheese in the manufacture of which neither cow's milk nor milk solids, derived from cow's milk, are used) and any other edible product containing thirty percent or more by weight of such cheeses.

3. The definition of "whey product" in section 27.1 (a) is amended by substituting the figure "10" for the figure "25" and by deleting the second sentence.

This amendment shall become effective September 2, 1944.

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 8232.

² 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344, 7438, 7578, 7774, 8182, 8793, 8954, 8955, 10049, 10087.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB, Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471, 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 29th day of August 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-13093; Filed, August 29, 1944;
11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1,¹ Amdt. 75]

DICHLORO-DIPHENYL-TRICHLOROETHANE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.2 (h) is added to read as follows:

(h) Sales of dichloro-diphenyl-trichloroethane (DDT) and compositions thereof by the original manufacturer of the DDT to the United States or any agency thereof or to any person who will use such commodity to fulfil a contract or subcontract with the United States or any agency thereof: *Provided*, That the person making such sale or sales files a report with the Office of Price Administration on or before the 10th of each month setting forth with respect to deliveries of DDT or compositions thereof during the preceding month: (1) a description of each product delivered, (2) the name and address of each buyer to whom a delivery was made, (3) the quantity of each product delivered to each buyer, (4) the price charged for each product. If at any time the Office of Price Administration determines, after consultation with the purchasing agencies of the government, that the need for exception has expired and so notifies in writing the manufacturer of the DDT, this exception shall not apply to the commodities thereafter sold, delivered or supplied to which such notice relates. This exception shall not apply to sales of any composition of DDT by any person other than the original manufacturer of the DDT nor shall it apply to sales other than those made pursuant to a contract or subcontract with the United States or any agency thereof, such sales being subject to the provisions of the General Maximum Price Regulation.

This amendment shall become effective September 4, 1944.

NOTE: All record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13091; Filed, August 29, 1944;
11:37 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4418, 4426, 4429-4431, 4433, 4488, 4491, 35 Stat. 428, 49 Stat. 1384, 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 392, 404, 407-409, 411, 481, 489, 396, 369, 367, 463a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT: LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3-1 (i) is amended to read as follows:

§ 33.3-1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* * * *

(i) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat. All hatchets provided for use on vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Section 33.3-2 (g) is amended to read as follows:

§ 33.3-2 *Tank ship lifeboat equipment; Great Lakes—T/L.* * * *

(g) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat. All hatchets provided for use on vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Section 33.3-3 (c) is amended to read as follows:

§ 33.3-3 *Tank ship lifeboat equipment; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.* * * *

(c) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat. All hatchets provided for use on vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Subchapter F—Marine Engineering

PART 52—CONSTRUCTION

BOILER AND SUPERHEATER TUBES

Section 52.12-2 (e) is amended to read as follows:

§ 52.12-2 *Materials and workmanship.* * * *

(e) (1) The ends of all tubes and nipples shall be expanded and flared not less

than one-eighth inch over the diameter of the tube hole on all water tube boilers and headers, or they may be flared not less than one-eighth inch, rolled and beaded, or flared, rolled and seal welded, or rolled and seal welded without flaring provided the throat of the weld is not less than three-sixteenths inch nor more than three-eighths inch.

(2) The ends of tubes or nipples of water tube boilers when not seal welded shall project through the tube plates or headers not less than one-fourth inch nor more than one-half inch before flaring. When the tubes enter at an angle, the maximum limit of one-half inch shall apply only at the point of least projection.

(3) If the tubes or nipples are welded, they shall be re-expanded to provide for shrinkage after welding. Welding shall be done by qualified welders using approved electrodes of a diameter not exceeding five-thirty-seconds inch. Carbon content of the plate, headers and tubes shall not exceed 0.35 per cent and stress relieving shall not be used after welding.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.11 (j) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* * * *

(j) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat. All hatchets provided for use on vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.9 (j) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* * * *

(j) *Hatchets.* (See § 59.11 (j) of this chapter, which is identical with this section.)

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.14 (g) is amended to read as follows:

§ 76.14 *Equipment for lifeboats on vessels of classes (a), (b), (c), (d), and (e).* * * *

(g) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat. All hatchets provided for use on vessels on and after, October 1, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Section 76.14a (c) (7 F.R. 7611) is amended to read as follows:

§ 76.14a *Equipment for lifeboats on vessels of class (f).* * * *

(c) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.13 (c) is amended to read as follows:

§ 94.13 *Equipment for lifeboats.* * * *

(c) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Subchapter J—Rivers

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.22 (c) is amended to read as follows:

§ 113.22 *Equipment for lifeboats on vessels on all rivers except western rivers whose waters flow into the Gulf of Mexico and the Yukon River.* * * *

(c) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Section 113.22a (b) is amended to read as follows:

§ 113.22a *Equipment for lifeboats on vessels on western rivers whose waters flow into the Gulf of Mexico and the Yukon River.* * * *

(b) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6a (a) (6) is amended to read as follows:

§ 153.6a *Additional equipment for lifeboats on seagoing barges of 100 gross tons or over.* (a) * * *

(6) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October,

1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

Section 153.7a (p) is amended to read as follows:

§ 153.7a *Equipment for life rafts approved on and after March 15, 1943.* * * *

(p) *Hatchet.* One hatchet attached by a lanyard and readily available for use. All hatchets provided for use on merchant vessels on and after 1 October, 1944 shall be of an approved type. Hatchets provided prior to 1 October, 1944 may be continued in service provided they are in good and serviceable condition.

APPROVAL OF EQUIPMENT

DAVIT

Schat P. H. A. davit, B. U. type MD90-17½ (Arrangement Dwg. No. BA-376, dated 17 June, 1944) (working load of 9,600 pounds per arm, or 19,200 pounds per set), submitted by the Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

FIRE RETARDANT MATERIAL FOR VESSEL CONSTRUCTION

Scaporcel Flush Type (Panel for Class B bulkhead construction), ¼" asbestos mill-board insulation, metal veneered each side of panel, submitted by the Scaporcel Corp., 28-20 Borden Avenue, Long Island City, N. Y.

LINE-THROWING GUN

Shoulder line-throwing gun, Model 66, 45-70 cal. (Dwg. No. D-000, dated 29 June, 1943), submitted by the Harrington and Richardson Arms Company, Worcester, Mass.

SEA ANCHOR

Sea anchor, Type T (U. S. Coast Guard Dwg. MMT-562, and specification dated 1 November, 1943, revised 1 June, 1944), submitted by Kent Marine Products Corporation, 426 Great East Neck Road, West Babylon, N. Y.

L. T. CHALKER,
Rear Admiral, USCG,
Acting Commandant.

AUGUST 28, 1944.

[F. R. Doc. 44-13056; Filed, August 29, 1944; 8:58 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

ALTERNATE MAIN TRANSMITTERS

The Commission on August 22, 1944, effective immediately, amended § 3.64 to read as follows:

§ 3.64 *Alternate main transmitters.* The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need²¹ for such alternate transmitters

²¹ Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating except at stations operating with different daytime and nighttime power when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(c) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); Sec. 303 (e), 48 Stat. 1082; 47 U.S.C. 303 (e).)

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-13086; Filed, August 28, 1944; 11:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 25A]

PART 503—ADMINISTRATION

DESIGNATION OF EMPLOYEES AUTHORIZED TO ADMINISTER OATHS AND AFFIRMATIONS

Pursuant to the Independent Offices Appropriation Act, 1944, the National War Agencies Appropriation Act, 1944, the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to provide for the administration of oaths and affirmations by designated employees of the Office of Defense Transportation, Administrative Order ODT 25 (9 F.R. 4825) is hereby superseded, and, *It is hereby ordered, That:*

Sec.

503.440 Employees designated to administer oaths and affirmations in connection with activities of the Office of Defense Transportation.

503.441 Employees designated to administer oaths and affirmations in connection with civil service matters.

503.442 Procedure; termination of designation; instructions.

AUTHORITY: §§ 503.440 to 503.442, inclusive, issued under the Independent Offices Appropriation Act, 1944, 57 Stat. 196, 5 U. S. Code 16a; the National War Agencies Appropriation Act, 1944, 57 Stat. 536; the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 App. U. S. Code §§ 631 through 645a; E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834.

§ 503.440 *Employees designated to administer oaths and affirmations in connection with activities of the Office*

of Defense Transportation. The following employees of the Office of Defense Transportation are hereby designated and authorized to administer to or take from any person an oath, affirmation, or affidavit, when such instrument is required in connection with the performance of the functions or activities of the Office of Defense Transportation:

(a) Executive officer, assistant executive officer, regional administrative officers;

(b) Regional directors, assistant regional directors, transportation specialists, district managers, assistant district managers, and examiners, of the Highway Transport Department;

(c) Regional director, assistant regional directors, assistant to the regional director, transportation specialist, and dispatchers of the Division of Puerto Rican Transport, Puerto Rico;

(d) Regional director and assistant regional director, Hawaii;

(e) The Alaskan representative; and

(f) Attorneys of the Office of the General Counsel.

§ 503.441 *Employees designated to administer oaths and affirmations in connection with civil service matters.* The executive officer, assistant executive officer, and each regional administrative officer of the Office of Defense Transportation, and such other employees of the Office of Defense Transportation as may be designated in writing by such executive officer or by a regional administrative officer, are hereby designated and authorized to administer the oath required by section 1757, Revised Statutes, as amended (5 U. S. Code 16), incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, including any oath required by law in connection with civil service matters. The authority herein conferred does not include authority to execute the officer's certificate of residence.

§ 503.442 *Procedure; termination of designation; instructions.* The following provisions shall apply to the administering or taking of oaths, affirmations, and affidavits by the employees designated in §§ 503.440 and 503.441 of this order:

(a) Any employee who administers to or takes from any person any oath, affirmation, or affidavit under the authority of this order, in signing the jurat, shall append to his signature his official title and official station. It shall not be necessary to affix a seal.

(b) All oaths and affirmations made under the authority contained in this order shall be administered without charge or fee.

(c) The authority of a designated employee pursuant to the provisions of this order shall expire at the termination of the employee's service with the Office of Defense Transportation, unless sooner terminated by administrative action.

(d) The executive officer is authorized to issue such instructions as he may deem necessary to implement the provisions of this order.

Administrative Order ODT 25 (9 F.R. 4825) is hereby revoked as of the effective date of this Administrative Order ODT 25A.

This Administrative Order ODT 25A shall become effective August 29, 1944.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-13067; Filed, August 29, 1944;
10:25 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

RECEIVING OF GRAIN, SOY BEANS, FLAXSEED AND BUCKWHEAT INTO GRAIN ELEVATORS APPLICATION FOR EXEMPTION AS SEASONAL INDUSTRY

Notice of correction in the matter of applications of the National Grain Trade Council, millers' national federation and sundry other parties for the exemption of the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators from the Maximum Hours Provision of the Fair Labor Standards Act of 1938, as industries of a seasonal nature pursuant to section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder.

Whereas, the text of paragraph numbered 3 of the Administrator's Decision in the above entitled matter, as published in the FEDERAL REGISTER on June 14, 1941 (6 F.R. 2889), reads as follows:

(3) The storing of grain including flaxseed, buckwheat, and soy beans by mill elevators is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said act; and

Whereas, the words "wheat flour" immediately preceding the words "mill elevators" in the above paragraph were inadvertently omitted;

Now, therefore, the said paragraph is hereby corrected to read as follows:

(3) The storing of grain, including flaxseed, buckwheat, and soy beans by wheat flour mill elevators is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said act.

Signed at New York, New York, this 25th day of August 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-12960; Filed, August 28, 1944;
12:23 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 250 et al.]

WEST COAST CASE; OREGON AIRWAYS, ET AL.

NOTICE OF HEARING

In the matter of the applications of Oregon Airways, et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that hearing in the above-entitled proceeding is hereby assigned for public hearing on November 1, 1944, at 10:00 a. m. (Pacific war time) in Room 402, Civic Auditorium, San Francisco, California.

Dated at Washington, D. C., August 28, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOLMES,
Secretary.

[F. R. Doc. 44-13084; Filed, August 29, 1944;
11:24 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6644]

FISHER'S BLEND STATION, INC.

NOTICE OF HEARING

In re application of Fisher's Blend Station, Inc. (KJR); date filed, May 15, 1944; for renewal of license (main and auxiliary); class of service, broadcast; class of station, broadcast; location, Seattle, Washington; operating assignment specified: frequency, 950 kc; power, 5 kw—Main, DA-N, 1 kw—Auxiliary; hours of operation, unlimited time. File No. B5-R-63.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the application of Fisher's Blend Station, Inc., Radio Station KOMO, Docket No. 6614, for the following reasons:

1. To determine whether Station KJR renders primary service to a substantial portion of the primary service area of Station KOMO.

2. To determine whether Station KOMO renders primary service to a substantial portion of the primary service area of Station KJR.

3. To determine whether a grant of the instant application would be consistent with the provisions of § 3.35 of the Commission's regulations.

4. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Fisher's Blend Station, Inc., Radio Station KJR, Skinner Building, 1326 Fifth Avenue, Seattle, Washington.

Dated at Washington, D. C., August 23, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-13037; Filed, August 29, 1944;
11:24 a. m.]

[Docket No. 6652]

FRANK E. HURT

NOTICE OF HEARING

In re application of Frank E. Hurt (KFXD); date filed, July 6, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Boise, Idaho; operating assignment specified: frequency, 580 kc; power, 1 kw; hours of operation, unlimited—Da. File No. B5-P-3668.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of Queen City Broadcasting Company, Inc., Docket No. 6653, and Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Idaho Broadcasting Company, Docket No. 6654, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the operation proposed herein, and what other broadcast service is available to these areas and populations.

3. To determine nature and character of the proposed program service and whether it will provide for the program needs of the areas and populations proposed to be served.

4. To determine whether the proposed operation would serve an outstanding public need or national interest.

5. To determine the extent of any interference which may result from the simultaneous operation of the proposed station and stations CKUA, Edmonton, Alberta, Canada, and KMJ, Fresno, California, and whether in view thereof the proposed assignment would be consistent with the Commission's Rules and the North American Regional Broadcasting Agreement.

6. To determine the extent of any interference which would be involved as a result of the simultaneous operation of the proposed station and the operation

proposed by Queen City Broadcasting Company, Inc., in application File No. B5-P-3613.

7. To determine whether the transmitter site proposed in this application would comply with the Commission's Rules and Standards of Good Engineering Practice, particularly with respect to affording primary service day and night to the city of Boise, Idaho.

8. To determine whether the proposed antenna system will comply with the Commission's Rules and the Standards of Good Engineering Practice, particularly with respect to the provisions requiring an effective unattenuated field at one mile of at least 175 mv/m.

9. To determine whether a grant of this application would be consistent with the Commission's Supplemental Statement of Policy of January 26, 1944.

10. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether, upon the evidence adduced at the hearing, the public interest, convenience and necessity would be served by granting this application, the application of Queen City Broadcasting Company, Inc. (File No. B5-P-3613), the application of Idaho Broadcasting Company (File No. B5-P-3631), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Frank E. Hurt, Radio Station KFXD, 1024 12th Avenue, South, Nampa, Idaho.

Dated at Washington, D. C., August 24, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-13088; Filed August 29, 1944;
11:24 a. m.]

[Docket No. 6653]

QUEEN CITY BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of Queen City Broadcasting Company, Inc. (New); date filed, May 18, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Boise, Idaho; operating assignment specified: frequency, 600 kc; power, 1 kw; hours of operation, unlimited—DA-N. File No. B5-P-3613.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Frank E. Hurt, Radio Station KFXD, Docket No. 6652, and Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Idaho Broadcasting Company, Docket No. 6654, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the operation proposed herein, and what other broadcast service is available to these areas and populations.

3. To determine nature and character of the proposed program service and whether it will provide for the program needs of the areas and populations proposed to be served.

4. To determine whether the proposed operation would serve an outstanding public need or national interest.

5. To determine the extent of any interference which may result from the simultaneous operation of the proposed station and stations CJOR, Vancouver, British Columbia, and CRQC, Saskatoon, Saskatchewan, and whether in view three of the proposed assignment would be consistent with the Commission's rules and the North American Regional Broadcasting Agreement.

6. To determine the extent of any interference which would be involved as a result of the simultaneous operation of the proposed station and the operation proposed by Frank E. Hurt (KFXD), in application File No. B5-P-3668.

7. To determine whether the proposed antenna system will comply with the Commission's Rules and the Standards of Good Engineering Practice, particularly with respect to the provisions requiring an effective unattenuated field at one mile of at least 175 mv/m.

8. To determine whether a grant of this application would be consistent with the Commission's Supplemental Statement of Policy of January 26, 1944.

9. To determine whether, upon the evidence adduced at the hearing, the public interest, convenience and necessity would be served by granting this application, the application of Frank E. Hurt (KFXD) (File No. B5-P-3668), the application of Idaho Broadcasting Company (File No. B5-P-3631), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Queen City Broadcasting Company, Inc., 66 Cobb Building, 4th and University Sts., Seattle, Washington.

Dated at Washington, D. C., August 24, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-13089; Filed, August 29, 1944;
11:25 a. m.]

[Docket No. 6654]

IDAHO BROADCASTING CO.

NOTICE OF HEARING

In re application of Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Idaho Broadcasting Company (New); date filed, June 1, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Boise, Idaho; operating assignment specified: frequency, 1340 kc; power, 250 watts; hours of operation, unlimited. File No. B5-P-3631.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Frank E. Hurt, Radio Station KFXD, Docket No. 6652, and Queen City Broadcasting Company, Inc., Docket No. 6653, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the operation proposed herein, and what other broadcast service is available to these areas and populations.

3. To determine the nature and character of the proposed program service and whether it will provide for the program needs of the areas and populations proposed to be served.

4. To determine whether the proposed operation would serve an outstanding public need or national interest.

5. To determine whether the equipment to be used at the proposed station would comply with the Commission's rules and regulations and Standards of Good Engineering Practice, particularly with respect to transmitter, frequency monitor and modulation monitor.

6. To determine whether granting of this application would be consistent with the Commission's Supplemental Statement of Policy of January 26, 1944.

7. To determine whether upon the evidence adduced at the hearing, public interest, convenience and necessity would be served by granting this application, the application of Frank E. Hurt (KFXD) (File No. B5-P-3668), the application of Queen City Broadcasting Company, Inc. (File No. B5-P-3613), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the

basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Frank C. Carman, David G. Smith, Jack L. Powers and Grant R. Wrathall, d/b as Idaho Broadcasting Company, 29 South State Street, Salt Lake City, Utah.

Dated at Washington, D. C., August 24, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F.R. Doc. 44-13090; Filed, August 29, 1944;
11:25 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 468]

RECONSIGNMENT OF CANTALOUPE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 24, 1944, by Glanukos Bemos & Company, of car ART 15926, cantaloupes, now on the C&NW (Wood St. Station) to Heller Brothers, New York, N. Y. via Erie Railroad.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-13083; Filed, August 29, 1944;
11:02 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Divesting Order 67]

ABEL EDGAR CHERNACK

In re: Patent of Abel Edgar Chernack. Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested, by Vesting Order No. 669, as property of Abel Edgar Chernack, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,245,758; June 17, 1941; Abel Edgar Chernack; Flexible tube.

2. Having found in said Vesting Order No. 666 that Abel Edgar Chernack was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of Abel Edgar Chernack, residing at 115 Cambridge Street, Elmwood, Connecticut, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at the time, and at all times since then has been and now is an individual residing in the United States; and that claimant is not a national of a designated enemy country; and that the foregoing vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on February 17, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-13072; Filed, August 29, 1944;
11:00 a. m.]

[Divesting Order 69]

LEONARD ELLON

In re: Patent of Leonard Ellon.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested by Vesting Order No. 671, as property of Leonard Ellon, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,163,411; 5-16-33; Leonard Ellon; Method for restraining or preventing the action of proteolytic enzymes.

2. Having found in said Vesting Order No. 671 that Leonard Ellon was a resident of Netherlands and was a national of a foreign country (Netherlands);

3. Having thereafter received an executed claim by or on behalf of Leonard Ellon, residing at Larchmont, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States; and that claimant is not a national of a designated enemy country; and that the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on February 25, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-13073; Filed, August 29, 1944;
11:00 a. m.]

[Divesting Order 73]

AMERICAN DIAGRID CORP.

In re: Patent of American Diagrid Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for

past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,104,443; 1-4-38; Stephan Szego; Floor, roof and like structure.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Stephan Szego and that Stephan Szego was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of American Diagrid Corporation, a corporation of Delaware, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, as assignee of record in the United States Patent Office, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13074; Filed, August 29, 1944;
11:01 a. m.]

[Divesting Order 74]

AMERICAN ROLLING MILL CO.

In re: Patent of American Rolling Mill Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 2, 1942, vested, by Vesting Order No. 666, as property of Rene Michel, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for any

past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

1,865,941; 7-5-32; R. Michel; Rolling Mill.

2. Having found in said Vesting Order No. 666 that Rene Michel was a resident of France and was a national of a foreign country (France);

3. Finding, as the result of further investigation, conducted subsequent to the date of vesting, that the aforesaid patent was surrendered and that Reissue Patent No. 19,406 was issued in lieu thereof on December 25, 1934;

4. Having thereafter received an executed claim by or on behalf of American Rolling Mill Company, a corporation of Ohio, having its principal place of business at Middletown, Ohio, hereinafter called claimant, in which it was recited that the above entitled reissue patent was on the date of vesting owned by the said claimant;

5. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, as assignee of record in the United States Patent Office, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

6. Having neither assigned, transferred, or conveyed to anyone the said original or reissue patent or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

7. Determining that the error committed in vesting said original patent should be corrected by quietclaiming to said claimant any rights of the undersigned in and to the original and reissue patents and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such patent originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the rights of the undersigned in and to the original and reissue patents be quietclaimed to claimant.

Now, therefore, the undersigned, without warranty, quietclaims to the claimant all his rights in and to the original patent identified above and the aforesaid reissue thereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13075; Filed, August 29, 1944;
11:01 a. m.]

THE HOOVER CO.

[Divesting Order 81]

In re: Patent of The Hoover Company.
Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on August 25, 1942, vested, by Vesting Order No. 112, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor and Title

1,976,800; 10-16-34, K. Nesselmann; Absorption refrigerating system.

2. Having determined, before issuing said Vesting Order No. 112, that the said property was property of Siemens-Schuckertwerke A. G., and that Siemens-Schuckertwerke A. G., was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of The Hoover Company, a corporation of Ohio, having its principal place of business at North Canton, Ohio, hereinafter called claimant, in which it was recited that the above-entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, as assignee of record in the United States Patent Office, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13076; Filed, August 29, 1944;
11:01 a. m.]

[Divesting Order 84]

REYNOLDS METALS CO.

In re: Patent of Reynolds Metals Company.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on June 4, 1942, vested, by Vesting Order No. 16, as property of a National or Nationals of a Foreign Country or Countries designated in Executive Order No. 8389, as amended, as defined therein, the property identified as follows:

All right, title and interest, including all accrued royalties and all damage and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title
2,162,054; 6-13-39; T. W. Mahone; Carton.

2. Having determined, before issuing said Vesting Order No. 16, that the said property was property of Duisburger Kupferhuetten and that Duisburger Kupferhuetten was a corporation, organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Reynolds Metals Company, a corporation of Delaware, having its principal place of business at Richmond, Virginia, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant as assignee of record in the United States Patent Office;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13077; Filed, August 29, 1944; 11:01 a. m.]

[Divesting Order 85]

WILLEM L. J. SPOOR

In re: Patents of Willem L. J. Spoor.
Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested, by Vesting Order No. 671, as property of Willem L. J. Spoor, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date, Inventor, and Title
1,973,669; 9-11-34; W. L. J. Spoor; Rotary pump.
2,015,200; 9-24-35; W. L. J. Spoor; Rotary pump.

2. Having found in said Vesting Order No. 671 that Willem L. J. Spoor was a resident of Netherlands and was a national of a foreign country (Netherlands);

3. Having thereafter received an executed claim by or on behalf of Willem L. J. Spoor, residing at Montclair, New Jersey, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., May 9, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13078; Filed, August 29, 1944; 11:01 a. m.]

[Divesting Order 86]

U. S. INDUSTRIAL CHEMICALS, INC.

In re: Patent of U. S. Industrial Chemicals, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested, by Vesting Order No. 656, as property of Societe Ricard Allenet & Cie, Distilleries des Daux Sevres, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

1,659,959; 2-21-28; E. Ricard, H. Guinot; Process for dehydration of alcohol for car-burants;

2. Having found in said Vesting Order No. 656 that Societe Ricard Allenet & Cie, Distilleries des Daux Sevres was a corporation organized under the laws of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of U. S. Industrial Chemicals, Inc., a corporation of Delaware, having its principal place of business at New York, New York, hereinafter called claimant in which it was recited that the above entitled property was on the date of vesting owned by U. S. Industrial Alcohol Company and thereafter by claimant as assignee of record in the United States Patent Office;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by U. S. Industrial Alcohol Company, predecessor in title of claimant, and that the U. S. Industrial Alcohol Company and said claimant were at that time, and at all times since then have been and now are corporations organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13079; Filed, August 29, 1944; 11:03 a. m.]

[Divesting Order 87]

UNITED STATES RADIUM CORP.

In re: Patent of United States Radium Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

1,718,899; 6-25-29; Alois Fischer; Method of uniting radio-active material with a metallic carrier;

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Alois Fischer and that Alois Fischer was a resident of Austria and was a national of a foreign country (Austria);

3. Having thereafter received an executed claim by or on behalf of United States Radium Corporation, a corporation of Delaware, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by Alois Fischer;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by Alois Fischer, assignor to claimant by assignment of record in the United States Patent Office, and that Alois Fischer and said claimant were at that time, and at all times since then have been and now are, respectively, an individual residing in the United States and a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 9, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13080; Filed, August 29, 1944; 11:03 a. m.]

[Divesting Order 88]

GEORGE DE BECZE

In re: Patents of George De Becze.
Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent number, Date, Inventor, and Title

2,154,150; 4-11-39; George De Becze; Apparatus for carrying out physical and chemical reactions;

2,209,444; 7-30-40; George De Becze; Manufactures from dolomitic materials;

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of George De Becze and that George De Becze was a resident of Hungary and was a national of a foreign country (Hungary);

3. Having thereafter received an executed claim by or on behalf of George De Becze, residing at Lawrenceburg, Indiana, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 23, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13081; Filed, August 29, 1944; 11:03 a. m.]

[Divesting Order 90]

LEOPOLD LION

In re: Patent of Leopold Lion.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on October 20, 1943, vested, by Vesting Order No. 2430, as property of Leopold Lion, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Issued, Inventor, and Title

2,189,506; 2-6-40; Leopold Lion; Luminous advertising device;

2. Having found, in said Vesting Order No. 2430, that Leopold Lion was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Leopold Lion, residing at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian without warranty, assigns, transfers, and conveys to claimant the

property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 23, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13082; Filed, August 29, 1944;
11:03 a. m.]

• [Vesting Order 3975]

LUIGI CRISTIANI AND GIOVANNI MASCARINI

In re: Patents and interests of Luigi Cristiani and Giovanni Mascarini in contracts with Additive Color Process Corporation and John M. Aufiero.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Luigi Cristiani and Giovanni Mascarini are citizens and residents of Italy and are nationals of a foreign country (Italy);

2. That the property described in subparagraph 4a hereof is property of Luigi Cristiani;

3. That the property described in subparagraphs 4b, 4c and 4d hereof is property of Luigi Cristiani and Giovanni Mascarini;

4. That the property described as follows:

(a) All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof in and to the following United States Letters Patent:

Patent Number, Date, Inventor and Title

2,200,467, 5-14-40, Luigi Cristiani, Apparatus for color photography.

(b) All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof in and to the following United States Letters Patent:

Patent number, Date, Inventor and Title

2,200,466, 5-14-40, Luigi Cristiani and Giovanni Mascarini, Apparatus for color photography.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Luigi Cristiani and Giovanni Mascarini by virtue of an agreement dated January 14, 1938 (including all modifications thereof and supplements thereto, if any) by and between Luigi Cristiani and Giovanni Mascarini and Additive Color Process Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,200,466.

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Luigi Cristiani and Giovanni Mascarini by virtue of an agreement dated February 4, 1938 (including all modifications thereof and supplements thereto, if any) by and between Luigi Cristiani, Giovanni Mascarini and John M. Aufiero, which agreement relates, among other things, to United States Letters Patent No. 2,200,466

is property of, or is property payable or held with respect to patents or rights related

thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 27, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13068; Filed, August 29, 1944;
11:03 a. m.]

• [Vesting Order 3976]

ELLE GRANAT AND COMPAGNIE DES FORGES ET ACIERIES DE LA MARINE ET D'HOME-COURT

In re: Patents and interests of Elle Granat and Compagnie Des Forges et Acieries de La Marine et D'Homecourt in an agreement with Westinghouse Electric & Manufacturing Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Elle Granat is a resident of France and is a national of a foreign country (France);

2. That Compagnie Des Forges et Acieries de La Marine et D'Homecourt is a corporation organized under the laws of France and is a national of a foreign country (France);

3. That the property described in subparagraph 4 hereof is property of Elle Granat and Compagnie Des Forges et Acieries de La Marine et D'Homecourt;

4. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof.

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 27, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement, in and to the following patents:

Patent Number, Date of Issue, Inventor and Title

1,642,438; 8-13-27; Elle Granat; Electric transmission system.

1,634,121; 12-4-23; Elle Granat; Electric distant control device.

1,637,976; 1-8-29; Elle Granat; Disconnecting and reconnecting device for distant control arrangements.

1,701,671; 2-12-23; Elle Granat; Differential electric distant control device comprising static transmitters.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Elle Granat and Compagnie Des Forges et Acieries de La

Marine et D'Homecourt by virtue of an agreement dated June 28, 1929 (including all modifications thereof and supplements thereto, if any) by and between them and Westinghouse Electric & Manufacturing Company, which agreement relates, among other things, to Patent No. 1,701,671.

[F. R. Doc. 44-13069; Filed, August 29, 1944; 11:04 a. m.]

[Vesting Order 3977]

LA CELLOPHANE, SOCIETE ANONYME

In re: Interest of La Cellophane, Societe Anonyme in agreements with E. I. du Pont de Nemours & Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That La Cellophane, Societe Anonyme is a corporation organized under the laws of France and is a national of a foreign country (France);

2. That the property described in subparagraph 3 hereof is property of La Cellophane, Societe Anonyme;

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 27, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian,

EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in La Cellophane, Societe Anonyme by virtue of an agreement dated June 9, 1923 (including all modifications thereof and supplements thereto, if any) by and between E. I. du Pont de Nemours & Company, Inc. and Arena Trading Corporation, relating, among other things, to certain United States Letters Patent, including Patent No. 2,276,151.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in La Cellophane, Societe Anonyme by virtue of an agreement dated December 26, 1923 (including all modifications thereof and supplements thereto, if any) by and between Du Pont Cellophane Company, Inc. and Arena Trading Corporation, relating, among other things, to certain United States Letters Patent, including Patent No. 2,276,151.

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in La Cellophane, Societe Anonyme by virtue of an agreement dated March 18, 1929 (including all modifications of and supplements to such agreement, including, but without limitation, a letter dated January 31, 1940 from La Cellophane, Societe Anonyme to E. I. du Pont de Nemours & Company, Inc.; a letter dated December 31, 1940 from Comptoir des Textiles Artificiels to E. I. du Pont de Nemours & Company, Inc., and a letter dated March 28, 1941 from E. I. du Pont de Nemours & Company, Inc. to Comptoir des Textiles Artificiels) by and between La Cellophane, Societe Anonyme and E. I. du Pont de Nemours & Company, Inc., relating, among other things, to certain United States Letters Patent, including Patent No. 2,276,151.

[F. R. Doc. 44-13070; Filed, August 29, 1944; 11:04 a. m.]

[Vesting Order 3978]

ERNST CLEMENS MATTHES

In re: Interest of Ernst Clemens Matthes in an agreement with the Schaaf & Good Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Ernst Clemens Matthes is a citizen and resident of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Ernst Clemens Matthes;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Ernst Clemens Matthes by virtue of an agreement dated November 17, 1937 (including all modifications thereof and supplements thereto, and including, but without limitation, an agreement entitled "Amendments to License Agreement" dated December 29, 1937) by and between

Schaaf & Good Company and Ernst Clemens Matthes, which agreement relates, among other things, to United States Letters Patent No. 2,001,206,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 27, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13071; Filed, August 29, 1944; 11:04 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 28, Amdt. 1]

COMMON CARRIERS

COORDINATED OPERATION BETWEEN DURANGO AND CORTEZ, COLO.

Upon further consideration of the application for authority to coordinate common carrier services by motor vehicle in the transportation of property between Durango and Cortez, Colorado, and intermediate points, filed with the Office of Defense Transportation,

It is hereby ordered, That Supplementary Order ODT 3, Revised-28 (8 F.R. 8518) be, and it hereby is, amended by deleting the words The Rio Grande Southern Railroad Company (Cass M. Herrington, Receiver) where they ap-

pear in said supplementary order and substituting in lieu thereof the words The Rio Grande Southern Railroad Company, Cass M. Herrington, Receiver, operator in part of Ed Haines, doing business as Haines Motor Freight.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-13064; Filed, August 29, 1944;
10:25 a. m.]

[Supp. Order ODT 3, Rev. 280]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN KANSAS AND OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those

that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Adams Transfer and Storage Co. (a corporation), 223 West 4th Street, Kansas City, Mo.
Leland R. Atherton and Fannie D. Atherton, doing business as Atherton Transfer and Storage Co., 127 North Water Street, Wichita, Kans.

Benjamin Cain, Eva Cain, Richard A. Jacobson, Martin S. Jacobson, Ann Jacobson, A. B. Hardy, R. J. Reed and Lena Newman, doing business as Cain's Truck Lines, 819 W. Frisco, Oklahoma City, Okla.

Keystone Freight Lines (a corporation), 1522 E. 5th Place, Tulsa, Oklahoma.

The Santa Fe Trail Transportation Co. (a corporation), 419 West 2d Street, Wichita, Kans.

Yellow Transit Co. (a corporation), 311 S. Western Avenue, Oklahoma City, Okla.

Wichita Forwarding Company (a corporation), 1719 Wyoming Street, Kansas City, Mo.

[F. R. Doc. 44-13058; Filed, August 29, 1944;
10:26 a. m.]

[Supp. Order ODT 3, Rev. 293]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

¹ Filed as part of the original document.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full

force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Arkansas Motor Freight Lines, Inc., Ft. Smith, Ark.

W. E. Smith and Lee R. Smith, doing business as Smith Truck Lines, Joplin, Mo.

[F. R. Doc. 44-13059; Filed, August 29, 1944; 10:26 a. m.]

[Supp. Order ODT 3, Rev. 294]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN EVANSVILLE, IND., AND MEMPHIS, TENN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

¹ Filed as part of the original document.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly pro-

claimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

William S. Ellis and Fay O. Ellis, doing business as Ellis Trucking Co., Indianapolis, Ind. Highway Express, Incorporated (Lessee and operator of Maurice Stanley, doing business as Shippers Forwarding Co.), Evansville, Ind.

[F. R. Doc. 44-13060; Filed, August 29, 1944; 10:27 a. m.]

[Supp. Order ODT 3, Rev. 295]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN CINCINNATI, OHIO, AND KNOXVILLE, TENN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a

diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Dixie Ohio Express Co., Inc., Akron, Ohio. Hyatt Spaulding and Herman Gettlefinger, doing business as Blue & Gray Transportation Co., Cincinnati, Ohio.

Silver Fleet Motor Express, Inc., Louisville, Ky.

[F. R. Doc. 44-13061; Filed, August 29, 1944; 10:27 a. m.]

[Supp. Order ODT 3, Rev. 236]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those

¹ Filed as part of the original document.

that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Walter Petersen, an individual, doing business as Nielsen & Petersen, Grand Island, Nebr.

Albert S. Larsen, doing business as Larsen Transfer, Dannebrog, Nebr.

Jack John Romans and Peter J. Kowalski, doing business as Loup Valleys Transfer, Loup City, Nebr.

[F. R. Doc. 44-13063; Filed, August 29, 1944; 10:28 a. m.]

[Supp. Order ODT 3, Rev. 301]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NASHVILLE, TENN., AND CINCINNATI, OHIO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to re-

quire any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Hayes Freight Lines, Inc., 110 N. 15th Street, Mattoon, Ill.

Hoover Motor Express Co., Inc., 414 Fifth Avenue, S., Nashville, Tenn.

¹ Filed as part of the original document.

Johnson Freight Lines, Inc., 1911 Central Avenue, Chattanooga, Tenn.
Silver Fleet Motor Express, Inc., 216 E. Pearl Street, Louisville, Ky.
Southeastern Motor Truck Lines, Inc., 420 6th Avenue, S., Nashville, Tenn.

[F. R. Doc. 44-13065; Filed, August 29, 1944; 10:26 a. m.]

[Supp. Order ODT 6A-42]

COMMON CARRIERS

COORDINATED OPERATIONS IN FAYETTEVILLE, N. C., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved,

the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-42" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 2, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of August 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

D. J. Thurston, Jr., doing business as Thurston Motor Lines, Wilson, N. C.
Carolina Transportation Company (a corporation), Raleigh, N. C.

[F. R. Doc. 44-13066; Filed, August 29, 1944; 10:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 943]

AMERICAN FUEL CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 943 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Docket Nos. 3120-414, 429, 417, 446 and 467.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered*:

(a) Orders Nos. 209, 218, 234, 235 and 244, as amended by Amendment No. 1 thereto, issued under Maximum Price Regulation No. 120 are hereby revoked.

(b) Coals produced by Malcolm N. McKinnon, doing business as the American Fuel Company, Salt Lake City, Utah, at the American Fuel Mine, Mine Index No. 147, in District No. 20, for shipment by rail may be sold and purchased at per net ton prices not to exceed the following respective prices f. o. b. the rail shipping point:

Size group:	
1.....	\$4.65
2.....	4.65
3.....	4.45
4.....	4.40
5.....	4.45
6.....	4.40
7.....	3.80
8.....	3.60
9.....	3.60
10.....	3.15
11.....	3.15
12.....	2.95
13.....	3.80
14.....	3.55
15.....	3.35

(c) Coal produced by Utah Fuel Company of Salt Lake City, Utah, at its Sunnyside No. 1 Mine, Mine Index No. 22, in District No. 20 for shipment by rail for all uses may be sold and purchased at prices not to exceed the following respective prices per ton f. o. b. the rail shipping point:

Size groups						
1	2	3	4	5	6	7-15, inclusive
\$4.25	\$3.95	\$3.75	\$3.70	\$3.75	\$3.70	\$3.20

(d) Coals produced by Hardscrabble Coal Company (John G. Diamanti) of Helper, Utah, at its Hardscrabble Mine, Mine Index No. 130, in District No. 20, for shipment by rail may be sold and purchased at per net ton prices not to exceed the following respective prices f. o. b. the rail shipping point:

¹ Filed as part of the original document.

Size groups														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
\$4.75	\$4.75	\$4.75	\$4.55	\$3.75	\$3.75	\$3.75	\$2.90	\$2.90	\$2.85	\$2.85	\$2.25	\$3.10	\$2.85	\$2.65

(e) Coal produced by Utah Blue Diamond Coal Company of Salt Lake City, Utah, at its Utah Blue Diamond Mine, Mine Index No. 178 in District No. 20 for shipment by rail may be sold and purchased at per net ton prices not to exceed the following respective prices f. o. b. the rail shipping point:

Size groups: 2 3 4
 \$4.15 \$4.15 \$3.95

Size groups														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
\$4.65	\$4.65	\$4.45	\$4.40	\$4.45	\$4.40	\$3.80	\$3.60	\$3.60	\$3.15	\$3.15	\$2.95	\$3.80	\$3.55	\$3.35

(g) This Order No. 943 may be revoked or amended at any time.

(h) There may be added to the maximum prices established herein a sum not exceeding the amount permitted by § 1340.231 (b) (3) of Maximum Price Regulation No. 120 (Amendment 73).

(i) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(j) This order shall become effective August 29, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 883, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13045; Filed, August 28, 1944;
 4:31 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on August 25, 1944.

REGION I

Connecticut Order 4-F, covering fresh fruits and vegetables in Connecticut, filed 3:54 p. m.

REGION II

Buffalo Order 1-F, Amendment 19, covering fresh fruits and vegetables in designated cities in New York, filed 4:02 p. m.

Buffalo Order 2-F, Amendment 19, covering fresh fruits and vegetables in Rochester, El. Rochester, Fairport and Pittsford, filed 3:40 p. m.

District of Columbia Order 1-F, Amendment 21, covering fresh fruits and vegetables in designated areas, filed 3:46 p. m.

Erie Order 13-F, Amendment 2, covering fresh fruits and vegetables in Erie, Pa., filed 12:27 p. m.

(f) Coals produced by B. A. Howard (Deer Creek Coal Company) of Huntington, Utah, at its Deer Creek Mine, Mine Index No. 131, in District No. 20 for shipment by rail may be sold and purchased at per net ton prices not to exceed the following respective prices f. o. b. the rail shipping point:

Maryland Order 1-F, Amendment 20, covering fresh fruits and vegetables within 10 mile radius of Baltimore City Hall, filed 3:45 p. m.

Maryland Order 2-F, Amendment 3, covering fresh fruits and vegetables in Entire Eastern Shore of Maryland, excluding Cecil County, filed 3:52 p. m.

Maryland Order 3-F, Amendment 7, covering fresh fruits and vegetables in a certain designated area, filed 3:46 p. m.

Newark Order 4-F, Amendment 15, covering fresh fruits and vegetables in certain counties in New Jersey, filed 12:25 p. m.

Trenton Order 6-F, covering fresh fruits and vegetables in certain counties in New Jersey, filed 3:51 p. m.

Wilmington Order 2-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Delaware, filed 3:51 p. m.

Wilmington Order 3-F, Amendment 3, covering fresh fruits and vegetables in designated areas in Delaware, filed 3:53 p. m.

REGION III

Escanaba Order 9-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Michigan, filed 12:23 p. m.

Escanaba Order 10-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Michigan, filed 12:23 p. m.

Escanaba Order 11-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Michigan, filed 12:23 p. m.

Escanaba Order 12-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Escanaba District, filed 12:24 p. m.

Escanaba Order 13-F, Amendment 24, covering fresh fruits and vegetables in certain cities in Michigan, filed 12:24 p. m.

Escanaba Order 14-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Wisconsin and Michigan, filed 12:24 p. m.

Escanaba Order 15-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Michigan, filed 12:24 p. m.

Escanaba Order 16-F, Amendment 24, covering fresh fruits and vegetables in Sault Ste. Marie, Chippewa County, Michigan, filed 12:24 p. m.

Escanaba Order 17-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Michigan, filed 3:43 p. m.

Louisville Order 4-F, Amendment 2, covering fresh fruits and vegetables in certain areas in Kentucky, filed 3:43 p. m.

Louisville Order 5-F, Amendment 2, covering fresh fruits and vegetables in certain

designated counties in Kentucky, filed 3:43 p. m.

Louisville Order 6-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 3:44 p. m.

Louisville Order 7-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 3:44 p. m.

REGION IV

Atlanta Basic Order 2-B, covering wholesale food prices in Region IV, filed 3:42 p. m.

Raleigh Order 8-F, covering fresh fruits and vegetables in the Raleigh, N. C. District Area, filed 3:55 p. m.

Raleigh Order 8-F, Amendment 1, covering fresh fruits and vegetables in the Raleigh District Area, filed 3:55 p. m.

Richmond Order 14, Amendment 8, covering poultry in the Richmond District, filed 3:53 p. m.

Memphis Order 18, covering retail food prices in the Memphis District Area, filed 12:29 p. m.

Memphis Order 4-F, Amendment 47, covering fresh fruits and vegetables in the Memphis District, filed 12:30 p. m.

Savannah Order 1-F, Amendment 49, covering fresh fruits and vegetables in Chatham, Bryan, Effingham and Liberty, filed 12:38 p. m.

Savannah Order 2-F, Amendment 44, covering fresh fruits and vegetables in certain counties in Georgia, filed 12:40 p. m.

Savannah Order 3-F, Amendment 42, covering fresh fruits and vegetables in certain counties in Georgia, filed 12:40 p. m.

Savannah Order 4-F, Amendment 41, covering fresh fruits and vegetables in certain counties in Georgia, filed 12:41 p. m.

Savannah Order 5-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Georgia, filed 12:42 p. m.

REGION V

Arkansas Order 2-F, Amendment 22, covering fresh fruits and vegetables in Pulaski County, Ark., filed 12:31 p. m.

Arkansas Order 3-F, Amendment 20, covering fresh fruits and vegetables in Garland County, Ark., filed 12:31 p. m.

Dallas Order 1-F, Amendment 20, covering fresh fruits and vegetables in certain areas in Texas, filed 3:33 p. m.

Fort Worth Order 1-F, Amendment 31, covering fresh fruits and vegetables in Tarrant County, Tex., filed 3:33 p. m.

Fort Worth Order 2-F, Amendment 31, covering fresh fruits and vegetables in certain county (Taylor County) in Texas, filed 3:33 p. m.

Fort Worth Order 3-F, Amendment 31, covering fresh fruits and vegetables in Green County, Tex., filed 3:32 p. m.

Fort Worth Order 4-F, Amendment 31, covering fresh fruits and vegetables in McLennan County, Tex., filed 12:44 p. m.

Fort Worth Order 5-F, Amendment 31, covering fresh fruits and vegetables in Wichita County, Tex., filed 12:44 p. m.

Oklahoma Order 3-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Oklahoma, filed 3:34 p. m.

REGION VI

Des Moines Order 1-F, Amendment 30, covering fresh fruits and vegetables in the Des Moines Area, filed 12:27 p. m.

Duluth-Superior Order 1-F, Amendment 30, covering fresh fruits and vegetables in Duluth, Procter, City and Town of Superior, filed 12:35 p. m.

La Crosse Order 1-F, Amendment 30, covering fresh fruits and vegetables in certain cities in Wisconsin and Minnesota, filed 12:34 p. m.

La Crosse Order 3-F, Amendment 25, covering fresh fruits and vegetables in Eau Claire and Chippewa Falls, Wis., filed 12:34 p. m.

La Crosse Order 5-F, Amendment 25, covering fresh fruits and vegetables in Rochester, Minn., filed 12:34 p. m.

La Crosse, Revocation of Order 4-F and Amendments 1 to 24 inc., covering fresh fruits and vegetables in Sparta, Wis., filed 12:35 p. m.

Peoria Order 11, Amendment 3, covering community food prices in certain areas in Illinois, filed 12:42 p. m.

Springfield Order 1-FS, Amendment 5, covering fresh fruits and vegetables in certain area in Illinois, filed 12:33 p. m.

Springfield Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain areas in the State of Illinois (The Springfield District), filed 12:32 p. m.

Sioux City Order 2-F, Amendment 30, covering fresh fruits and vegetables in Sioux City, Iowa and Sioux City, Nebr., filed 12:32 p. m.

Sioux City Order 12, Amendment 3, covering community food prices in Sioux City, Iowa, and Sioux City, Nebr., filed 12:33 p. m.

REGION VIII

San Diego Order 1-F, Amendment 56, covering fresh fruits and vegetables in the San Diego Area, filed 4:01 p. m.

San Diego Order 2-F, Amendment 5, covering fresh fruits and vegetables in certain areas in California, filed 3:59 p. m.

San Diego Order 3-F, Amendment 4, covering fresh fruits and vegetables in designated areas in California, filed 4:00 p. m.

Copies of any of the above orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-13044; Filed, August 28, 1944;
4:31 p. m.]

WAR FOOD ADMINISTRATION.

WHITEWOOD SALES CO., WHITEWOOD,
S. DAK.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Whitewood Sales Company stockyards, Whitewood, South Dakota, posted on June 12, 1941, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public by filing notice with the Division of the Federal Register.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 28th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

[F. R. Doc. 44-13042; Filed, August 28, 1944;
3:51 p. m.]

WAR MANPOWER COMMISSION.

WILLIAMSPORT, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Williamsport Area VI is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Reg-

ulation No. 7, "Governing Employment Stabilization Programs", effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Control of hiring and solicitation of workers.
2. Adoption, approval and establishment of area plan.
3. General provisions of the plan.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain on or return to a job.
9. Release of individuals hired or solicited in violation of employment stabilization plan.
10. Definitions as used in this plan.

Purpose. In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Williamsport Manpower Area, with the concurrence of the Williamsport Management-Labor Committee, pursuant to the authority granted by WMC Regulation No. 7 and the Employment Stabilization Plan for Region III adopted August 23, 1943, hereby establishes the following plan for the Williamsport Manpower Area, with respect to the stabilization of employment throughout the area.

SECTION 1. Control of hiring and solicitation of workers. (a) All solicitation and hiring of workers in the Williamsport Manpower Area shall be conducted in accordance with the provisions of this employment stabilization plan.

(b) The provisions of this plan will be applicable in the counties of Clinton, Lycoming, Montour, Union, Snyder, Sullivan, and the western third of Northumberland—which includes the following townships, boroughs and cities: Townships—Lewis, Delaware, Turbot, Augusta, East Chillisquaque, West Chillisquaque, Point and Gearhart. Boroughs—Turbotville, Watontown, McEwensville, Milton, Northumberland, and Riverside. City—Sunbury.

(c) The provisions under sections 3, 4, 5, 6, 7, 8 and 9 are the minimum mandatory provisions of all stabilization plans in Region III.

Sec. 2. Adoption, approval and establishment of area plan. (a) This plan was adopted by the Williamsport Management-Labor Committee on September 1, 1943;

(b) Was approved by the Regional Director September 15, 1943;

(c) Becomes effective 12:01 A. M., September 15, 1943, superseding any existing area plan then in effect.

(d) This plan may be adapted as the need arises to meet changing area conditions by the Area Manpower Director after consultation with the Williamsport Management-Labor Committee: *Provided*, That such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and with regional standards set forth in this plan: *And provided further*, That such adaptations are approved by the Regional Director.

(e) The Williamsport Management-Labor Manpower Committee are hereby

authorized to consider questions of policy standards and safeguards in connection with the establishment and administration of this plan, and to make recommendations on these subjects to Regional or Area Directors.

Sec. 3. General provisions of the plan—
(a) **General.** A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) **Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) **Issuance of statements of availability by United States Employment Service.** (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(f) *Exclusions.* No provisions of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(4) The hiring by a foreign, state, county or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, state, county or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program.

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(6) The hiring of a school teacher for vacation employment or the re-hiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission

under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provisions in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Advertising for employees:

(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(c) Should state clearly that before employers hire employees possessing skills which appear on the List of Critical Occupations, clearance must be obtained from the United States Employment Service.

SEC. 6. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

SEC. 7. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both employer and employees involved: *And provided further*, That such limited statement of availability shall not be issued for a period longer than three months.

SEC. 8. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 9. *Release of individuals hired or solicited in violation of employment stabilization plan.* Employers who willingly or knowingly have solicited or hired individuals in violation of provisions of this plan must, upon receiving written notice from the United States Employment Service of the War Manpower Commission, arrange to release these workers within 24 hours after receiving notifications of the violations.

SEC. 10. *Definitions.* As used in this plan: (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occu-

pation by the Chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(e) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(h) "Suspension" for the purpose of this plan, suspension will be considered to mean lay-off.

F. D. SMITH,
Area Director.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-12976; Filed, August 26, 1944;
12:41 p. m.]

[Amdt. 1]

WILLIAMSPORT, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Williamsport Area VI, dated September 15, 1943, is hereby amended as follows:

1. The following is added to section 1 and is designated as paragraph (b):

(b) The Area Manpower Director may fix for all or any establishments in the Williamsport Area, fair and reasonable employment ceilings, and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

2. Former paragraphs (b) and (c) of section 1 are redesignated as paragraphs (c) and (d).

Dated: June 20, 1944.

F. D. SMITH,
Area Director.

Approved: August 17, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-12977; Filed, August 26, 1944;
12:41 p. m.]

[Amdt. 2]

WILLIAMSPORT, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Williamsport Area VI, dated September 15, 1943, is hereby amended as follows:

Section 3 (e) of the Williamsport employment stabilization plan is amended by the addition of subparagraph (4) as follows:

(4) The new employee is a male worker.

Dated: June 20, 1944.

F. D. SMITH,
Area Director.

Approved: August 17, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-12978; Filed, August 26, 1944;
12:41 p. m.]

[Amdt. 3]

WILLIAMSPORT, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Williamsport Area VI, dated September 15, 1943, is hereby amended as follows:

The word "seniority" is added to section 4, "Existing contracts" so that section 4 will read as follows:

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

Dated: June 29, 1944.

F. D. SMITH,
Area Director.

Approved: August 17, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-12979; Filed, August 26, 1944;
12:41 p. m.]

MONTANA

EMPLOYMENT STABILIZATION PROGRAM

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Encouragement of local initiative and use of existing hiring channels.
5. General.
6. Issuance of statements of availability by employers.
7. Issuance of statements of availability by United States Employment Service.
8. Referral in case of under-utilization.
9. Workers who may be hired only upon referral by the United States Employment Service.
10. Hiring of workers last employed in certain occupations in lumbering and in mining, smelting and refining activities.
11. Release of workers hired contrary to program.

Sec.

12. Short term employment.
 13. Exclusion.
 14. Appeals.
 15. Content of statements of availability.
 16. Retention of statements of availability or referral card by employer.
 17. Solicitation of workers.
 18. Hiring and discharge.
 19. Continuance on job.
 20. Representation.
 21. No change of laws or collective bargaining agreements.
 22. General referral policies.
 23. Enforcement of program.
 24. Employment ceilings.
 25. Control of migration.
 26. Effective date.
- Appendix A—Occupations in coal mining, lumbering and mining, milling, smelting and refining activities.

The following employment stabilization program for the State of Montana is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

SECTION 1. *Purpose.* The purpose of this employment stabilization program is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* For the purpose of this program:

(a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any essential activity included in the War Manpower Commission list of Essential Activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

(h) The term "discharge" includes refusal of an employer to re-employ a worker in his former or a comparable position without prejudice.

(i) "Referral" of a worker for employment is properly evidenced by an approved USES form identifying the worker, prospective employer, issuing office, and official.

(j) "Employment ceiling" means the highest level of total employment or of specified types of employees which an establishment is not permitted to exceed, based upon an approved and necessary production schedule.

Ceilings may be established so as to:

- (a) Permit employment expansion,
- (b) Maintain employment at present or specified levels, or
- (c) Reduce the employment level.

The employment ceiling is subject to change as production schedules change.

(k) "Manpower allowances" means an administrative determination of the number of employees or specified types of employees within the ceiling which an establishment is currently not permitted to exceed and is used as the means for the current allocation and referral of available labor. This manpower allowance is subject to change as supply factors in the labor market may warrant.

(l) "Manpower priority committee" means a group of representatives of Federal procurement services and other Federal manpower claimant agencies who advise the State Director with respect to priorities service and ceiling adjustments.

(m) "Priority referral" is a program which provides that employers in an area may hire male workers only from among those referred by the United States Employment Service so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort as determined by the State Manpower Director after advice from Manpower Priority Committee.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers, in, or for work in, the State of Montana shall be conducted in accordance with this employment stabilization program.

SEC. 4. Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this Employment Stabilization Program and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

SEC. 5. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring

would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 6. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 7. Issuance of statement of availability by United States Employment Service. A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

SEC. 8. Referral in case of underutilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 9. Workers who may be hired only upon referral by the United States Employment Service. A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the

United States Employment Service, when:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(c) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(d) The new employee is a male worker over the age of 16.

SEC. 10. Hiring of workers last employed in certain occupations in lumbering and in mining, milling, smelting and refining activities. (a) A statement of availability issued to a worker whose last employment is or was in an occupation specified in Appendix A, (Occupations in activities in which manpower shortages threaten critically needed production) shall indicate that the worker has been so employed.

(b) A new employee whose statement of availability indicates that his last employment is or was in an occupation specified in Appendix A may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with the USES.

SEC. 11. Release of workers hired contrary to program. Any employer shall, upon written request of the United States Employment Service, release from employment any worker whom it has hired contrary to the provisions of this program. Any worker so released shall be issued or denied a statement of availability or referred, so far as practicable on the basis of the facts existing when he was improperly hired.

SEC. 12. Short term employment. In order to facilitate the employment of individuals during vacation, off-season, or similar short periods, the USES may, upon consent of the worker entitled thereto, issue statements of availability or referral cards containing limitations as to the length of time for which the worker is available for employment. Upon termination of the assigned time limit, such workers may be rehired by their former employers.

SEC. 13. Exclusions. No provision of the employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the

program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

Sec. 14. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the Employment Stabilization Program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 15. Content of statements of availability. A statement of availability issued to an individual pursuant to the program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Sec. 16. Retention of statement of availability or referral card by employer. Each employer upon hiring a worker upon presentation of a USES referral card or a statement of availability where referral cards are not necessary, shall retain and file such statement or referral card and shall make them available for inspection upon request of the USES.

When a worker is employed who does not need a referral card or a statement of availability, the employer shall retain a signed statement in his file, showing the worker's name, address, last employer, final employment date of the worker's last employment. This statement shall be retained in the file in lieu of the statement or availability or referral card.

Sec. 17. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization program, except in a manner consistent with such restrictions.

Sec. 18. Hiring and discharge. (a) The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) In order to obtain the maximum utilization of available manpower, employers engaged in essential or locally needed activities shall refrain from discharging workers except for gross misconduct; provided that insofar as it will not interfere with the effective prosecution of the war, no employer shall be expected to retain in his employment, a worker who is incompetent and who fails to conform to reasonable shop rules or standards of conduct.

Sec. 19. Continuance on job. Pending the issuance of a statement of availability or referral card to a worker, he should remain on his job.

Sec. 20. Representation. Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

Sec. 21. No change of laws or collective bargaining agreements. No part of this stabilization program shall be construed to be in conflict with the requirements of any Federal or State law or any collective bargaining agreements, so long as such agreement is consistent with applicable War Manpower Commission policies, procedures, and standards.

Sec. 22. General referral policies. No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 23. Enforcement of program. (a) Violations of this program which constitute violations of War Manpower Commission Regulations No. 4 as amended August 16, 1943, Issued pursuant to Executive Order 9328, are subject to the penal provisions of the act of October 2, 1942, (Pub. No. 729, 77th Cong.); the provisions of § 4001.10 of the Regulations of the Economic Stabilization Director issued October 27, 1942, apply to all wages or salaries paid in violation of Regulation No. 4.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing, and final decision, has not complied with any War Manpower Program, regulation, or policy, and for so long as such employer continues his non-compliance after such finding.

(c) The USES of the WMC may deny referral to any employer who the WMC finds, after notice, hearing and final decision, has not complied with a WMC program, policy or regulation and for so long as such employer continues his non-compliance.

(d) Any other appropriate sanctions may be invoked by the WMC against an employer or worker who, after notice, hearing and final decision, has not complied with a WMC program, regulation or policy and for so long as such employer or worker continues his non-compliance after such finding.

Sec. 24. Employment ceilings. The State Manpower Director may fix for all or any establishments in the State of Montana fair and reasonable employment ceilings and manpower allowances limiting the number of employees or specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply and/or the relative urgency of the establishment's products or service to the war effort. Except as authorized by the State Manpower Director or his representative, no employer shall hire any new male employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or manpower allowance currently applicable to it.

Sec. 25. Control of migration—(a) Out-migration. Any resident of the State of Montana wishing to seek employment in any area within the States of Utah, Idaho, Montana, Colorado, and Wyoming in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of inter-area clearance. Such inter-area clearance statement shall be granted if:

- (1) He is entitled to, or is not required to obtain, a statement of availability, and
- (2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services.

(b) **In-migration.** An in-migrant worker may be employed only if:

- (1) He has been granted a statement of inter-area clearance or its equivalent by the USES in the area of his last residence or employment, provided that if the in-migrant worker's last place of residence was outside the States of Montana, Utah, Idaho, Colorado, and Wyoming, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(2) He has been recruited through the clearance system of the United States Employment Service.

Sec. 26. Effective date. This program shall be effective as of 12:01 a. m. July 1, 1944.

**APPENDIX A—OCCUPATIONS IN COAL MINING,
LUMBERING AND MINING, MILLING, SMELTING
AND REFINING ACTIVITIES**

I. All production and maintenance occupations in the following activities:

(a) Mining, dressing, and beneficiating (milling) of minerals, with the exception of coal and the precious metals;

(b) Removal of overburden, sinking of shafts, development of new ore bodies, and similar services performed preparatory to the mining of the minerals specified above;

(c) Prospecting and exploration activities, in connection with the development of the minerals specified above, carried on in accordance with an authorization of or with the aid of a governmental agency, or as a substantial organized and responsible pursuit under a bona fide contract or authorization;

(d) Primary smelting and refining of the minerals specified above.

II. All production and maintenance occupations in coal mining.

III. All production and maintenance occupations in the following activities:

(a) All logging operations, irrespective of whether such operations are conducted by logging contractors or are carried on in combination with the operation of sawmills or pulp mills;

(b) All operations of sawmills, including the operations of box factories operated in conjunction with sawmills at the same plant site, but excluding sawmills carried on primarily in conjunction with pulp mills, shingle mills, match block and match plank operations, cooperage stock mills, cooperage establishments, and furniture establishments;

(c) All operations of planing mills engaged primarily in the production of dressed lumber, but excluding planing mills primarily engaged in the production of finished mill products such as shingles, doors, sashes, window frames, match blocks, and match plants, and similar products;

(d) Veneer mill operations, including all activities incident to the production of veneer;

(e) Plywood mill operations, including all activities incident to the production of plywood.

The term "production and maintenance" occupations includes all engineering, technical, supervisory, service, and clerical occupations required in connection with the production and maintenance operations in the activities specified above. The term does not include occupations carried on in administrative offices removed from the site of productive operations.

Dated: August 12, 1944.

O. C. LAMPORT,
State Director.

Approved: August 12, 1944.

JOHN E. GROSS,
Acting Regional Director.

[F. R. Doc. 44-12982; Filed, August 26, 1944;
12:43 p. m.]

ZANESVILLE, OHIO, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Zanesville, Ohio, Area as subject to Executive Order No. 9301 (8 F.R. 1825)

By virtue of the authority vested in me as Regional Manpower Director of Region No. V by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Zanesville, Ohio, Area as subject to the provisions of Executive Order No. 9301.

1. For the purposes of this designation, the Zanesville Area shall include:

Muskingum County.

2. The effective date of this designation is September 1, 1944.

3. Not later than the effective date, each employer in the Zanesville Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work. Such applications must be filed before August 15, 1944.

Date of issuance: August 1, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-13055; Filed, August 28, 1944;
4:53 p. m.]

SANDUSKY, OHIO, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Sandusky, Ohio, Area as subject to Executive Order No. 9301 (8 F.R. 1825)

By virtue of the authority vested in me as Regional Manpower Director of Region No. V by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Sandusky, Ohio, Area as subject to the provisions of Executive Order No. 9301.

1. For the purposes of this designation, the Sandusky Area shall include:

Erie County (all).
Huron County (all).

2. The effective date of this designation is September 15, 1944.

3. Not later than the effective date, each employer in the Sandusky Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work. Such applications must be filed before August 31, 1944.

Date of issuance: August 23, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-13054; Filed, August 28, 1944;
4:53 p. m.]